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CHARTER

OF THE

CITY OF GALVESTON

AND THE

REVISED ORDINANCES

AS ORDAINED AND PUBLISHED BY THE

BOARD OF COMMISSIONERS

OF THE CITY OF GALVESTON.

DIGESTED AND REVISED BY

GEO. P. FINLAY

GALVESTON, TEXAS:
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1902.

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CHARTER

OF THE

CITY OF GALVESTON.

AN ACT to incorporate the City of Galveston and grant it a new Charter; and to repeal all pre-existing Charters.—[*Approved April 19, 1901*].

SECTION 1. That all the inhabitants of the city of Galveston shall continue to be a body politic and corporate, with perpetual succession, by the name and style of the "City of Galveston," and as such they and their successors by that name shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises now possessed and enjoyed by said city, and herein granted and conferred; and shall be subject to all the duties and obligations now pertaining to or incumbent on said city as a corporation, not inconsistent with this act, and may ordain and establish such acts, laws, regulations and ordinances, not inconsistent with the constitution and laws of this State, as shall be needful for the government, interest, welfare and good order of said body politic; and under the same name shall be known in law; and be capable of contracting and being contracted with, suing and being sued, implead and being impleaded, answered and being answered unto, in all courts and places, and in all matters whatever; may take, hold and purchase, lease, grant and convey, such real and personal or mixed property or estate as the purposes of the corporation may require, within or without the limits thereof; and may make, have and use a corporate seal, and change and renew the same at pleasure.

SEC. 2. That the limits of said city shall embrace so much of the Island of Galveston from the point thereof on the east to Fifty-sixth street, or to include the league and labor of

E. A. Hawkins, Jr.

land known as the Menard grant; provided, that said league and labor shall extend beyond Fifty-sixth street; thence to include Galveston Bay and Pelican Island, and one mile north thereof; and the waters of the Gulf of Mexico extending south one marine league from the shore, from the channel and anchorage on the eastern end of Galveston Island to the western boundary of the city, so as to extend the police authority and jurisdiction, inclusive of Pelican Island, over all the area and territory aforesaid; provided, nevertheless, that jurisdiction shall extend from the eastern boundary of said city over all real estate beyond said limits purchased or in any manner acquired by said city for the use of the corporation; and provided, furthermore, that all the municipal regulations of said city shall apply to, extend and be in full force over the harbor and anchorage of Galveston, and to the bar at the entrance of said harbor; and the corporate authority and jurisdiction shall extend from the eastern boundary of said city over the east end of Galveston Island, and over all real estate beyond said limits purchased or in any manner acquired by said city for the use of the corporation; and provided further, that the said limits may be hereafter extended, including and adding more territory to the same, whenever a majority of the inhabitants of said territory shall indicate a desire to be included within the limits of said city; and provided, further, that neither the corporate limits nor the jurisdiction of said city shall extend to any point of the mainland so as to interfere or conflict in any wise with the riparian rights and privileges of the owners of the mainland, or any part thereof bordering upon the waters of said bay; and provided, further, that the jurisdiction of said city shall not extend over Bolivar channel, except for police and sanitary purposes.

SEC. 3. The territory contained within the boundary of the city of Galveston shall be divided into 12 wards, as follows:

The first ward shall contain all the territory lying north of Avenue G and east of Thirteenth street.

The second ward shall contain all the territory lying north of Avenue G, between Thirteenth and Seventeenth streets.

The third ward shall contain all the territory lying north of Broadway, between Seventeenth and Twenty-first streets.

The fourth ward shall contain all the territory lying north of Broadway, between Twenty-first and Twenty-fifth streets.

The fifth ward shall contain all the territory lying north of Broadway, between Twenty-fifth and Twenty-ninth streets.

The sixth ward shall contain all the territory lying north of Broadway, between Twenty-ninth and the western boundary of the city.

The seventh ward shall contain all the territory lying south of Broadway, between Twenty-ninth street and the western boundary of the city.

The eighth ward shall contain all the territory lying south of Broadway, between Twenty-fifth and Twenty-ninth streets.

The ninth ward shall contain all the territory lying south of Broadway, between Twenty-first and Twenty-fifth streets.

The tenth ward shall contain all the territory lying south of Broadway, between Seventeenth and Twenty-first streets.

The eleventh ward shall contain all the territory lying south of Avenue G, between Thirteenth and Seventeenth streets.

The twelfth ward shall contain all the territory lying south of Avenue G and east of Thirteenth street; provided, that the board of commissioners of said city shall have power from time to time by ordinance to cause a division of said city to be made into as many wards (not less than twelve) as they may deem necessary, and for the good of the inhabitants of said city.

SEC. 4. The waterworks and sewerage plants, fire engines, fire alarm telegraph system, hose and hose carriages, horses, and wagons, engine houses, school houses, public buildings, public squares, parks, promenades, wharves, streets, alleys, all stock and interest in any incorporated company, held or used for public purposes or in trust for the public, and all property which may have been granted or released to said city of Galveston by the State, through a general or special law or joint resolution of the Legislature, and any judgment or judgments or causes of action in favor of said city of Galveston, and the electric light plant or other plant used for public purposes, and all other property, real and personal, held, controlled or used by said city of Galveston for the purposes of

government, including all property of whatsoever character or description, whether of the same nature or not as the property heretofore specified, which may have been held, controlled or used by said city of Galveston for public uses or in trust for the public, or which may have been vested in the city of Galveston under and by virtue of any laws of the State of Texas, shall vest in and remain and inure to the said corporation under this act.

SEC. 5. There shall be appointed by the Governor of the State, as soon as possible after the passage of this act, three commissioners, one of whom shall select and designate as president of the board of commissioners provided for herein, and within ten days after the passage of this act it shall be the duty of the commissioners court of Galveston county to order an election to be held in the city of Galveston, at which election the qualified voters of the city of Galveston shall select two other commissioners, who, together with the three commissioners appointed by the Governor, shall constitute the board of commissioners of the city of Galveston.

In ordering such election, the commissioners court shall determine the time and the places in the city of Galveston for holding such election, and the manner of holding the same shall be governed by the laws of the State regulating general elections. Each of said five commissioners shall be over the age of 25 years, citizens of the United States and for five years immediately preceding their appointment or election residents of the city of Galveston. Each of said five commissioners shall hold office for two years from and after the date of his qualification and until his successor shall have been duly appointed or elected, as the case may be, and duly qualified.

Said board of commissioners shall constitute the municipal government of the city of Galveston.

SEC. 6. The first president and the other members of the first board of commissioners appointed and elected under this act, shall be held and deemed, in law and in fact, the successors of the mayor and aldermen of said city of Galveston, and upon the qualification of said president and the other members of said board of commissioners, all the powers,

rights, and duties of the mayor and board of aldermen of the said city shall cease; and wherever the said city has heretofore, under the decree or judgment of any court, or under any law, ordinance or resolution, been entitled to representation through the mayor of said city and one or more of the aldermen thereof, on the board of directors of any incorporated company in which the said city may own stock or be interested, it shall hereafter be represented on any such board of directors by the president of said board of commissioners, and by two other members of said board, to be selected by said board.

SEC. 7. Said commissioners shall collectively constitute and be known as the "Board of Commissioners of the City of Galveston." They shall take an oath to faithfully perform the duties of their said office, and each shall receive as compensation for his said services the sum of five hundred (500) dollars per annum, payable in equal monthly installments, except that the president of said board shall receive a salary of three thousand (3000) dollars per annum, payable in equal monthly installments, and said president shall devote at least six hours a day to the duties of his office and to the affairs of said city.

SEC. 8. That each commissioner, before entering upon the duties of his office, shall give bond, payable to the Governor of the State, for the use and benefit of said city, in the sum of five thousand (5000) dollars, for the faithful discharge of his duty, with two or more good and sufficient sureties, to be approved by the county judge of Galveston county, and shall in addition to taking the oath prescribed by the Constitution of the State, also take an oath that he is not under any direct or indirect obligation to appoint or elect any person to the office of policeman or fireman, or to any other office, position or employment under said government. The said commissioners shall by a majority vote of the commissioners appointed and elected under this act have the power to appoint all officers and subordinates in all of the departments of said city, and to suspend and to discharge the same for cause, at will, under the limitations hereinafter provided. Each commissioner appointed by the Governor of the State shall qualify as provided by this sec-

tion within ten days after his appointment, and each commissioner elected under the provisions of this act shall qualify, as provided by this section, within ten days after the delivery to him by the county judge of Galveston county of a certificate of his election.

SEC. 9. Any member of said board of commissioners who holds his office by virtue of appointment by the Governor of the State, may be removed by the Governor of the State for good and sufficient cause, to be spread on the records of his office, and to be reported by him to the next session of the Legislature thereafter. But in no case shall the Governor of the State remove the two commissioners, or either of them, that have been elected under the provisions of this charter. Such two members may be removed for the same reasons and in the same manner as county officers.

SEC. 10. Resignation by any of the commissioners appointed or elected under this act shall be made in writing to the Governor for his action, and resignation by any of the other officers of said city shall be made in writing to the said board of commissioners for their action thereupon. In case of the removal of any commissioner from the territorial limits of such city, such removal shall ipso facto be deemed to create a vacancy in the office of such commissioner. In case of the death, resignation, removal from office, or removal from the territorial limits of the said city of any member of the board of commissioners, appointed by the Governor, the Governor of the State upon being informed of the fact of such vacancy shall fill any such vacancy for the unexpired term by appointment. In case of the death, resignation, removal from office, or removal from the territorial limits of said city, of either or both of the two commissioners elected, any such vacancy shall be filled in the manner provided by the Constitution of this State, for filling vacancies in State or district offices other than members of the Legislature.

SEC. 11. Said board shall, at the first meeting after their qualification, or as soon thereafter as practicable, organize by the election of some competent man to be the secretary of said board, who shall keep the minutes and records of all their proceedings in a well bound book kept for that purpose, and

shall perform such other duties as may be required of him by said board, and shall receive a salary not to exceed twelve hundred (1200) dollars per annum. The president of said board shall have the right to vote, as a member thereof, on all questions which may arise. Said board of commissioners shall have the power to summon and compel the attendance of witnesses, and the production of books and papers before them, whenever it may be necessary for the more effective discharge of their duties; and shall have the power to punish for contempt of said board with the same fines and penalties as the county judge may punish for contempt of the county court. All process necessary to enforce the powers conferred by this section shall be signed by the president of the board, and attested by the secretary thereof, and shall be served by any member of the police force of said city.

SEC. 12. Said board of commissioners so constituted shall have control and supervision over all the departments of such city and to that end shall have power to make all such rules and regulations as they may see fit and proper, concerning the organization, management and operation of such departments; and shall have power, under such rules and regulations as they shall make, to appoint, and, for cause which to said board shall seem sufficient, and after an opportunity to be heard, to discharge all employes, including the chiefs of the departments respectively. Said commissioners shall have sole authority to pass and adopt all such rules and regulations concerning all of the departments of such city and the other agencies created by them for the administration of its affairs.

And in addition to the powers aforesaid, the said commissioners shall have the right, and it shall be their duty, by a majority vote of all the said commissioners appointed and elected, to designate from among their members one commissioner, who shall be known as "Police and Fire Commissioner," and who shall have under his special charge the enforcement of all police regulations of such city and general supervision over the fire department of such city; and one commissioner to be known as the "Commissioner of Streets and of Public Improvements," who shall have under his special charge the supervision of the streets and alleys of such city,

and be charged with the duty of lighting such streets, and keeping the said streets and alleys in a clean and sanitary condition, and with the enforcement of all rules and regulations necessary to that end, for the preservation of the health of the inhabitants of such city, and who shall also have under his special charge the supervision of all public improvements, and shall see that all contracts therefor are faithfully complied with, and that the conditions of the grant of any franchise or privilege are faithfully complied with and performed; and one commissioner to be known as the "Waterworks and Sewerage Commissioner," who shall have under his special charge the waterworks and sewerage departments of such city, and shall see to the enforcement of all regulations with respect to said departments, and with respect to all the revenues pertaining thereto; and one commissioner who shall be known as the "Commissioner of Finance and Revenue," who shall have under his special charge the enforcement of all laws for the assessment and collection of taxes of every kind and the collection of all revenues belonging to such city, from whatsoever source the same may be derived; and who shall also examine into and keep informed as to the finances of such city.

SEC. 13. That the president of said board of commissioners shall be the executive officer of said city, and shall see that all the laws thereof are enforced. The commissioner named as the head of each department shall audit all accounts against it, but before payment they shall be acted upon and approved by at least two members of said board of commissioners. Said board shall require a statement to be published in January, April, July and October of each year, in the official newspaper of said city, showing a full, clear and complete statement of all taxes and other revenues collected and expended, indicating the respective sources from which the moneys are derived, and also indicating the disposition made thereof. All legislative sessions of said board, whether regular or called, shall be open to the public.

SEC. 14. That whenever the president of the board of commissioners shall deem it necessary, in order to enforce the laws of the city, or to avert danger, or protect life or prop-

erty, in case of a riot or any outbreak, or calamity or public disturbance, or when he has reason to fear any serious violation of law or order, or any outbreak, or any other danger to said city or the inhabitants thereof, he shall summon into service, as a special police force, all, or as many of the citizens as in his judgment and discretion may be necessary and proper; and such summons may be by proclamation or order, addressed to the citizens generally, or those of any ward of the city or subdivision thereof, or such summons may be by personal notification; such special police, while in service, shall be subject to the orders of the president of the board of commissioners, shall perform such duties as he may require, and shall have the same power while on duty as the regular police force of said city; and any person so summoned, and failing to obey, or appearing and failing to perform any duty that may be required by this act, shall be fined in any sum not exceeding one hundred dollars.

SEC. 15. In case the president of said board is unable to perform the duties of his office by reason of temporary or continued absence or sickness, the said board shall appoint, by ballot, by a majority vote of all the members thereof, one of their number to act in his stead, whose official designation shall be "Acting President of the Board of Commissioners," and the commissioner so appointed shall be invested with all the powers, and shall perform all the duties of the president of said board, during such absence or sickness, and shall receive the salary of the said president during such vacancy; provided, that it shall continue for ten days or longer, and during that time the president shall receive no salary.

SEC. 16. Said board of commissioners shall meet at least once every week in regular meeting, at such time as shall be fixed by said board, at the city hall or other designated place in such city, to consider and take under advisement and act upon, such business as may come before them. A majority of such board as appointed and elected shall constitute a quorum for the transaction of all business, but no action of said commissioners shall be effective unless upon a vote of a majority of such quorum; and no final action shall be taken in any matter concerning the special department of any absent

commissioner, unless such business has been made a special order of the day, or such action is taken at a regular meeting of the board. Special meetings may be called by the president of such board, or by any two members thereof, at any time, to consider only such matters as shall be mentioned in the call for said meeting, and writtten notice thereof shall be given to each member of said board.

SEC. 17. The board of commissioners of such city shall be vested with the power and charged with the duty of making all laws or ordinances not inconsistent with the Constitution and laws of this State, touching every object, matter and subject within the local government instituted by this act.

Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall, after the passage thereof, be published in every issue of the official newspaper for ten (10) days successively (excluding Sundays) and proof of such publication by the printer or publisher of such newspaper made before any officer authorized to administer oaths, and filed with the secretary of the board of commissioners or any other competent proof of such publication shall in all courts be conclusive evidence of the legal publication and promulgation of such ordinances.

Ordinances passed by the board of commissioners and requiring publication, shall take effect and be in force from and after the tenth publication thereof, unless it be otherwise expressly provided in such ordinance. Ordinances passed by the board of commissioners, and not requiring publication, shall take effect and be in force from and after their passage, unless it shall therein otherwise expressly be provided.

SEC. 18. The style of all ordinances shall be "Be it ordained by the Board of Commissioners of the City of Galveston," but said caption may be omittted when said ordinances are published in book form, or are revised and digested.

SEC. 19. The board of commissioners at their first meeting after their qualification, or as soon thereafter as possible, shall select the following officers, towit: A treasurer; an attorney; a recorder; an assessor and collector of taxes; a chief of police; a chief of the fire department; and if deemed necessary by said board also an assistant chief of the fire de-

partment; an engineer, who shall also be superintendent of streets; an inspector of buildings; an auditor; a health physician; a harbor master; a sexton; a superintendent of the waterworks; and an engineer of the waterworks; and such other officers and agents as said board of commissioners shall direct. All said officers so elected shall hold their offices for two years, and until the election and qualification of their successors, unless removed by the said board of commissioners, under the authority vested in it by this act.

TREASURER.

19b. The treasurer shall give bond, in such amount and in such form as may be required by the said board, in a sum not less than one hundred thousand (100,000) dollars, and with two or more good and sufficient sureties, to be approved by the president of the board and the commissioner of finance and revenue, said bond to be conditioned for the faithful discharge of his duties. It shall be his duty to receive and keep, as herein provided, all money belonging to said city, and to pay out the same only on warrants drawn by the auditor, and signed by the president of said board, and countersigned by the commissioner of finance and revenue under the seal of said board, and not otherwise. All moneys belonging to said city, and received by any officer or agent thereof, either from collections, fines or any other sources whatsoever, shall be by him deposited with the said treasurer daily. For all moneys received, the treasurer shall give duplicate receipts in all cases, one to the party paying the said money into the treasury and one for the auditor. All persons charged with the collection of any money under this act, or ordinance passed in pursuance thereof, shall promptly pay the same over to the treasurer, under such penalty as may be prescribed by ordinance, and shall forthwith hand the treasurer's receipts to the auditor, who shall countersign the original receipt, and retain the duplicate; and the party paying shall then hold said original receipt. Said treasurer shall render a full and correct statement of his receipts and payments to the board of commissioners at the first regular meeting of the board of commis-

sioners in each month, and whensoever at other times he may be required by any member of said board so to do.

19c. The board of commissioners shall have the right to require of the treasurer a new bond, whenever in their opinion the existing bond is insufficient, and whenever such new bond is required he shall perform no official act until said bond shall be given and approved in the manner aforesaid.

19d. The said treasurer shall make daily deposits of such sums of money as shall be received by him from all sources of revenue, whatsoever, to his credit as treasurer of said city, in one or more banks situated in said city, to be selected by the president of said board of commissioners, the commissioner of finance and revenue, and the treasurer of such city, or by any two of them, and any such bank, before any such deposit is made therein, shall be required to enter into an obligation with the said board of commissioners to pay into the treasury of such city interest on the monthly balances of such deposits at a rate to be fixed by the president of said board of commissioners, the commissioner of finance and revenue, and the treasurer, or by any two of them, and which rate may be changed in the same manner—such rate to be not less than three (3) per centum per annum, and shall also execute a good and sufficient bond, with sureties to be approved by the president of said board of commissioners, and conditioned that such bank will safely keep and account for, and pay over said money. Said president of the board of commissioners, the commissioner of finance and revenue, and the treasurer, in the selection of any such depository bank, shall take into consideration the reputation and solvency thereof, and the sufficiency of the security offered by such bank. All interest paid by any such bank upon such balances shall be collected by the treasurer of said city, and shall be by him reported in his next statement following such collection, and shall be considered and treated as part of the general fund of such city, subject to use for any legitimate municipal purpose; and said treasurer shall do and perform such other acts as such board of commissioners may require of him, and for all such services he shall receive such salary as may be fixed by the board,

not exceeding the sum of twelve hundred dollars (1200) per annum, payable in equal monthly installments.

ASSESSOR AND COLLECTOR.

19e. The assessor and collector shall make up all the assessments of all property for taxation in said city, including the license and occupation taxes, and make rolls thereof, and on completion of the said rolls he shall report the same to said board of commissioners for their action. It shall be the duty of said board, or a committee thereof, designated for that purpose, one of whom shall be the commissioner of finance and revenue, to, as soon as the assessment rolls of taxes due the city are completed, sit as a board of equalization, to equalize the taxes assessed on said rolls; and in addition to the powers granted them by this act, they shall also have the same powers and perform the same duties as the county commissioners' courts of this State in regard to the assessment of property for taxation, and the equalization thereof, and shall be governed in their procedure and acts in this respect as is now provided by the laws of this State relating to the equalization of State and county taxes by the said commissioners' courts; provided, however, that said board shall not sit for more than thirty (30) days in performing the duties herein described. It shall also be the duty of the said assessor and collector to make out a list of all property, real and personal, which has not been given in for assessment, according to the provisions of this act, and ordinances made in pursuance thereof, and to assess the same in the name of the owner, if he be known, and if not, then it shall be assessed by description of the property, and by the name of the last known owner; and the value of such property shall be determined by said board of commissioners, sitting as a board of equalization; and such action may be taken to enforce the collection of taxes so assessed, if the same are not paid, as is herein prescribed for the collection of taxes on property given in for assessment. It shall also be the duty of the assessor and collector, at the expiration of the time fixed by ordinance, for the rendition of property, to ascertain what property subject to taxation shall be by him presented to said board of commissioners

for equalization and valuation by said board, and the same shall by him be entered in a supplement to the assessment rolls as "unknown," specifying the year for which said tax is not paid within the time prescribed by law, and such proceedings may be had to enforce the collection of taxes on such property which has been given in for assessment. Said assessor and collector shall also collect all taxes levied by this act, including any tax levied for public schools, and in the collection of the same in the event of non-payment, he shall proceed in accordance with the provisions of the laws of the State governing the collection of taxes, and shall have the right to employ said remedies to enforce such collections. He shall give bond in such amount and in such form as said board of commissioners may provide, in a sum not less than twenty-five thousand (25,000) dollars, with two or more good and sufficient sureties, to be approved by the president of said board and the commissioner of finance and revenue; and the board of commissioners shall have the right to require a new bond whenever in their opinion the existing bond is insufficient, and whenever such new bond is required he shall perform no official act until said bond shall be given and approved, in the manner aforesaid. He shall daily pay over to the treasurer all money by him collected, and shall report to said board of commissioners at the first meeting of that body in every month a full statement of all moneys so collected and paid over by him and shall perform all such other duties, and in such manner, according to such rules and regulations, as the said board of commissioners may prescribe. He shall receive for his services an annual salary not to exceed the sum of eighteen hundred (1800) dollars. He is authorized to require the owners of all property subject to taxation to render a correct account of the same under oath, which shall be administered by him.

ATTORNEY.

19f. It shall be the duty of the attorney to represent the said board of commissioners in all cases brought for or against said city in the courts of the State or of the United States in the county of Galveston or elsewhere, and in the corporation

court of said city. When requested by the said board of commissioners, or any member thereof, he shall in writing give legal advice on all questions that may be referred to him, and shall also in writing advise the officers of said city as and when he may be called on for said advice. He shall, when requested, prepare all ordinances; and examine, supervise, prepare and approve as to form, all contracts made by or with the said board of commissioners. He shall receive an annual salary not to exceed twelve hundred ($1200) dollars, and such commissions as may be allowed by said board of commissioners; provided, that no commissions shall be allowed said attorney for the collection of taxes except in such suits as may be designated to be brought by the commissioner of finance and revenue, and in such cases no commission shall be allowed exceeding five (5) per cent on the amount of taxes collected after the institution of such suits. He shall give bond for the faithful performance of his duties in the sum of five thousand ($5000) dollars.

AUDITOR.

19g. It shall be the duty of the auditor to examine in detail all bills, accounts and claims against the said city, and if found correct sign his name in approval thereof, but if found incorrect he shall return them to the party presenting the same for correction. He shall be the general accountant of the said city, and shall keep in books regular accounts of all real, personal or mixed property of the said city; of all receipts and disbursements of money; and under proper heads, separately, each source of receipt and the cause of each disbursement; and shall also keep an account with each person, including the officers, who have money transactions with the said city, crediting amounts allowed by proper authority, and specifying the particular transaction to which such entries apply. It shall also be his duty at least once in each month to examine the books of account of all officers of said city charged with the receipt and disbursement of money, and if they be found incorrect to at once make a report in writing of the same to the commissioner of finance and revenue. It shall also be his duty to examine all war-

rants, and countersign the same after appropriation has been duly made to pay the same by said board of commissioners; and he shall render such other services from time to time as said board of commissioners may direct. He shall receive for his services such compensation as said board may determine, not to exceed fifteen hundred ($1500) dollars per annum, and shall give bond for the faithful performance of his duties in the sum of ten thousand dollars ($10,000) with two or more good and sufficient sureties, to be approved by the president of the board and by the commissioner of finance and revenue.

HEALTH PHYSICIAN.

19h. The health physician shall be a physician in active practice, and shall be charged with the duty of enforcing all quarantine regulations and of keeping the streets, alleys and sidewalks of said city in a sanitary condition, and he shall be authorized to enter all houses and other places, private or public, at all times, in the discharge of his duties, for improving the sanitation of said city and the prevention and suppression of disease, and he shall have the power to abate, or cause to be abated, all nuisances which may endanger or affect the health or comfort of said city, and generally to do all acts and make all regulations that may be necessary or expedient for the promotion of health or the suppression of disease. He shall receive an annual salary of not to exceed one thousand ($1000) dollars. He shall give bond for the faithful performance of his duties in the sum of five thousand ($5000) dollars, with two or more good and sufficient sureties, to be approved by the president of the board and by the commissioner of finance and revenue; and shall perform such other duties as may be prescribed by said board of commissioners.

ENGINEER.

19i. The engineer of said city shall be a professional civil engineer, and it shall be his duty to ascertain the established monuments of such city, and from them to extend the surveys thereof and establish others; and to locate, establish and survey all private property, streets and alleys within

the territorial limits of said city when called on or required so to do. He shall also maintain the grade of all streets and alleys in such city, and exercise general supervision and superintendence over all work undertaken on the streets, alleys and public squares thereof, make estimates and plans and give instructions as to grading or otherwise improving the same, and with respect to the construction of sidewalks so as to secure and preserve proper proportion and uniformity in the height and width thereof; and also superintend and direct the construction of all culverts, bridges, drains, ditches and other improvements projected by said board; and he shall see that all parties contracting with said board to do any work as aforesaid shall faithfully perform their contract; and in the event of their failure so to do it shall be his duty to report the same to the president of said board. He shall also have and exercise general supervision over the construction of all railways which may at any time be constructed through the streets of said city, requiring them to conform to the established grade so as not to impede the use and passage of said streets. He shall have the right and it shall also be his duty to employ all laborers and workmen upon the streets and alleys, and upon other work that may be under his superintendence, to the number prescribed by said board, and for the compensation fixed by it, and to discharge such laborers and workmen, and generally to have charge of all work done on such streets and alleys, and from time to time to make recommendations to said board as to necessary improvements in said city; and he shall perform such other duties as may be prescribed by said board. He shall receive for his services a salary to be prescribed by said board, not to exceed twelve hundred ($1200) dollars per annum, and such fees as may be prescribed by said board for making surveys and fixing boundaries of private property, which fees shall be paid by the owners of such private property.

INSPECTOR OF BUILDINGS.

19k. The inspector of buildings shall be an architect or builder of at least five years' experience in the active practice of his profession, and shall have had responsible charge of

work for at least that length of time. He shall have the supervision of the construction of all buildings erected in the said city, and shall see that the building laws relating to the construction of said buildings and the materials out of which said buildings are constructed shall be fully complied with; and he shall perform such other duties as may be prescribed by ordinance, not inconsistent with this act. He shall be paid a salary of nine hundred dollars ($900) per annum, payable monthly. It shall be the duty of said inspector to visit and inspect all theaters, hotels, public halls, churches, school houses and buildings used for public assemblages, and all manufactories employing twenty-five (25) or more persons, now erected, or that may hereafter be erected in the said city, for the purpose of ascertaining if said buildings have the proper means of exit in case of fire or panic, and if, on examination, the said inspector shall determine that said buildings have not the proper means of exit for the purposes herein prescribed, then it shall be his duty to notify in writing the owners, trustees or lessees of said buildings to so improve the same as to provide a proper means of exit in case of fire or panic, as in the judgment of said inspector may be deemed proper and necessary; failure or refusal to comply with such notice to be punished as may be provided by ordinance.

HARBOR MASTER.

191. The harbor master shall have the power to regulate and station all ships or other vessels in the harbor or harbors of said city, and at the wharves thereof, or moored or anchored near thereto, and to superintend and enforce the execution of all rules and ordinances regulating the clearing of the docks in said city, and to prevent and remove all nuisances about them; to prevent the filling up of the harbor and channel in said city and generally to direct and control the manner of loading and unloading the vessels at the docks or wharves in said city. He shall receive an annual salary of not exceeding one thousand dollars ($1000). He shall give bond for the faithful performance of his duties in the sum of five thousand dollars ($5000) with two or more good and sufficient sureties, to be approved by the president of

said board and by the commissioner of finance and revenue, and to perform such other duties as may be prescribed by said board of commissioners.

SUPERINTENDENT OF WATERWORKS.

19m. The superintendent of waterworks shall have full charge of the city waterworks and city sewerage system and all property connected therewith, and shall manage and control the same. He shall inspect all parts of said waterworks and sewerage system and see that they are maintained in good condition for use and are being properly cared for, and that all employes of the waterworks and sewerage department are attending to their respective duties. He shall keep in good repair the pumps, machinery, hydrants and all other waterworks and sewerage fixtures and property. He shall employ all laborers in said department, except the engineer of said waterworks, to the number prescribed by said board and for the compensation provided by law or ordinance or resolution, and shall have power to discharge the same. The superintendent shall perform all such other duties as may be prescribed by the board of commissioners by ordinance or resolution, and shall receive for his services the sum of twelve hundred dollars ($1200) per annum, payable in equal monthly installments. The engineer of said waterworks shall perform such duties as may be prescribed by the board of commissioners, by ordinance or resolution, and shall receive for his services the sum of twelve hundred dollars ($1200) per annum, payable in equal monthly installments.

SEXTON.

19n. It shall be the duty of the sexton to exercise a general superintendence over all cemeteries in such city, whether belonging to said city or not. He shall keep a registry of all burials and the location thereof in said cemeteries, of all persons buried within the territorial limits of said city, and keep all walks in the cemeteries belonging to said city in good condition and free from rubbish and generally to have charge of the interment of all bodies within said city. He shall perform such other duties as may be required of him

by said board of commissioners, and shall receive for his services not more than one thousand dollars ($1000) per annum, to be paid in equal monthly installments, and such fees as may be allowed by ordinance.

SEC. 20. Said board of commissioners shall have full power and authority to establish and maintain a police department, to be composed of a chief of police, two sergeants and such number of patrolmen or policemen as such board may deem necessary, said officers and members of said police department to be appointed, and their compensation and duties to be fixed, defined and regulated as hereinafter provided, and shall also have power and authority to establish and maintain a fire department, to procure fire engines and other apparatus for the extinguishment of fires, and provide engine houses for keeping and preserving the same; and said fire department shall be composed of a chief of the fire department, as assistant chief of the fire department, and such number of firemen as said board may deem necessary, the officers and members of said fire department to be appointed and their compensation and duties to be fixed, defined and regulated as hereinafter provided. At the first meeting of said board of commissioners after their qualification, or as soon as possible thereafter, it shall be the duty of the commissioner who may be selected as police and fire commissioner to prepare and present to the board of commissioners, in writing, his recommendations of persons for appointment, both in said police and fire departments, based on the integrity of character and physical and intellectual capacities of the applicants for such positions, and the said board of commissioners shall, upon receiving such recommendations, select therefrom proper persons to fill such positions in the departments respectively as may be by them deemed wise and necessary; and upon the failure or refusal of said police and fire commissioner to present said recommendations at the second regular meeting of said board it shall thereafter proceed to elect proper persons to fill such positions; provided, however, that so far as it may be practicable and consistent with good order, discipline and improvement of the public service, it shall be the duty of said police and fire

commissioner to prefer in recommendations to said board for appointment to the police and fire departments, respectively, those men who have proved themselves capable, good and efficient in the performance of their duties, and the said board shall give due weight to such recommendations; provided, however, that the chief of police and chief of the fire department shall have the power to temporarily suspend any subordinate officer or member of their departments, respectively, for reasons satisfactory to said chief of police or fire department, as the case may be, and to appoint some person to discharge the duties of such suspended officer or member until the grounds of such suspension can be inquired into by the police and fire commissioner; and it shall be the duty of the chief in whose department such suspension shall occur, to report the same in writing within three (3) days, with the reasons therefor, to the said police and fire commissioner, and also to furnish such suspended officer or member with a copy thereof within like time. Said police and fire commissioner is hereby invested with exclusive jurisdiction to hear and determine any and all charges against any member of the police and fire department for infractions of discipline, disobedience of orders, incompetency, corruption, malfeasance or nonfeasance in office, for violation of any of the rules or regulations prescribed for the government of said police and fire department, or for any conduct unbecoming an officer or member of the said departments, respectively, and every officer and member of the police and fire departments shall obey all lawful rules and regulations prescribed by said board of commissioners for the government of said police and fire departments on pain of dismissal, or such lighter punishment, either by suspension, reduction, or forfeiture of pay, or otherwise, as the said police and fire commissioner may adjudge; provided, however, that all charges or complaints against the chief of police or the chief of fire department shall be heard and determined by said board of commissioners as provided in this act in case of trials before said board of commissioners. In case of any charges or complaints made under the provisions of this section against any member of said fire or police department, within

the jurisdiction of the police and fire commissioner, he shall have the power to administer oaths, to summon and compel the attendance of witnesses before him, and to examine such witnesses upon any matter where it may be necessary to the discharge of his duties. The chief of police shall attend upon the court which may be designated by law for the trial of offenses arising under this act, or under any ordinance, rule or regulation enacted by the board of commissioners pursuant to this act, and shall promptly and faithfully execute all writs and process issuing from said court. He shall be the chief police officer of said city and shall have like power with the sheriff of the county to execute the writ of search warrant; he shall be active in quelling riots, disorders and disturbances of the peace within the limits of the said city, and shall take into custody all persons so offending against the public peace; and shall have the authority to take suitable and sufficient bail for the appearance before said court of any person charged with an offense within the jurisdiction of said court; and it shall be his duty to arrest all persons who shall obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of disorderly conduct, or any disturbance whatever. To prevent a breach of the peace, or to preserve quiet and good order, he shall have authority to close any theater, barroom, ballroom, drinking house or any other place or building of public resort, and in the prevention and suppression of crime and the arrest of offenders within said city, he shall have, possess, and execute like power, authority and jurisdiction as a sheriff of a county under the laws of this State. He shall receive a salary of not exceeding fifteen hundred dollars ($1500) per annum. He shall give such bond for the faithful performance of his duties, and perform such other duties, and possess such other powers, rights and authority, in addition to those herein provided, as the board of commissioners may require and confer upon him, not inconsistent with the Constitution and laws of this State, and the provisions of this act. In case of the absence, sickness or inability to act, of the chief of police, said police and fire commissioner shall have the power, and it shall be his duty, to designate some other mem-

ber of said police department as acting chief of police during the period of such absence, sickness or inability to act, of said chief of police. The chief of the fire department shall be charged with the duty of superintending and directing the extinguishing of fires and the preservation and safe keeping of all fire engines, hose and other apparatus used in connection therewith; he shall have the power, and it is hereby made his duty, to keep away from the vicinity of any fire all idle, disorderly and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and in preventing goods from being stolen, and generally, to carry out and enforce such regulations for the prevention and extinguishment of fires as may be by said board of commissioners deemed expedient.

The chief of the fire department shall receive as compensation for his services the sum of fifteen hundred dollars ($1500) per annum, and the assistant chief of the fire department shall receive as compensation for his services the sum of twelve hundred dollars per annum ($1200) payable in equal monthly installments.

SEC. 21. Said board of commissioners shall have power from time to time to require further and other duties of all officers whose duties are herein prescribed, and to define and prescribe the powers and duties of all officers elected to any office under this act, whose duties are not herein specially mentioned, and to fix their compensation when not herein fixed. They shall also require bonds to be given to said city by all officers for the faithful performance of their duties, and shall require a new bond from any officer, whenever in the judgment of said board, the existing bond is insufficient, and whenever such new bond is required he shall perform no official act until said bond shall be given and approved as provided in this act. The board of commissioners shall provide for the filling of vacancies in all offices not herein provided for, and in all cases of vacancy the same shall be filled only for the unexpired term.

SEC. 22. That the present officers and employes of said city of Galveston shall continue in office and in the exercise

of their functions until the board of commissioners provided for herein are appointed and elected as herein provided and qualified and shall otherwise provide.

SEC. 23. All ordinances, regulations or resolutions now in force in the city of Galveston and not in conflict with this act, shall remain in force under this act until altered, modified or repealed by the board of commissioners.

SEC. 24. No salary not fixed or limited in this act shall ever exceed nine hundred dollars ($900) per annum for any office which said board of commissioners are authorized to create under the provisions hereof, and no officer shall receive fees or commissions except as herein provided.

SEC. 25. The duration of all offices created by this act, or by any ordinance pursuant to this act, passed by the board of commissioners of said city, shall never exceed two years; provided, nevertheless, that the incumbent of any such office shall continue to perform the duties thereof until his successor is duly qualified. In case of vacancy in the board of commissioners of said city such vacancy shall be filled in the manner provided in section ten of this act for the unexpired term, and in case of vacancy in any other office in said city the board of commissioners thereof shall fill such vacancy for the unexpired term.

SEC. 26. The health physician, attorney, engineer, auditor and chiefs of police and fire departments shall attend all regular meetings of the board of commissioners and any special meeting of said board at which their presence may be requested by any member of the board. They shall have the privilege of participating in the discussion of matters relating to their respective departments, but shall have no vote.

SEC. 27. All official bonds required under this act, except the bonds of the members of the board of commissioners, shall be made payable to the city of Galveston, and shall be in such form and with such sureties as the board of commissioners may prescribe.

SEC. 28. It shall not be necessary in any action, suit or proceeding of any kind in which the city of Galveston is a party, for any bonds, undertaking or security to be executed

by or in behalf of said city, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and said city shall be liable to the same extent as if they had been duly given and executed.

SEC. 29. Said board of commissioners are hereby authorized to reduce the number of employes in any department of said city, to remove from office in accordance with the provisions of this act any officer or employe appointed by said board, and to make appointments to any office under them authorized by this act, in the manner herein provided.

SEC. 30. All funds, evidences of indebtedness, books, papers and other property belonging to said city, in the hands of the city treasurer at the time this act takes effect, shall be held and retained by him, and he and his sureties shall be held responsible therefor until the same be paid or delivered to the treasurer elected by said board of commissioners.

SEC. 31. All of the officials of said city charged with disbursing, safe keeping, or performing any other acts touching the taxes or other revenues of said city, now due or that may hereafter become due, shall be liable for any and all breaches of duty touching the same, as are the State and county officials in regard to like services and acts; and may be proceeded against criminally and civilly in the same way. It shall be the duty of the district attorney of the district in which said city of Galveston is situated, to enforce all such remedies, civilly and criminally, just as in the case of State officers; provided, that nothing in this section shall impair the jurisdiction of the board of commissioners in respect to such offenses, as provided in this act, but all such remedies shall be deemed and held to be cumulative.

SEC. 32. The board of commissioners shall have power to remove any officer for incompetency, inefficiency, corruption, malconduct, malfeasance or nonfeasance in office, or such other causes as may be prescribed by ordinance, after due notice in writing and opportunity to be heard in his defense, under the rules and regulations hereinafter set forth; provided, however, that by the word "officer" as used in this

section, is meant all officers appointed or selected by said board of commissioners, except policemen and firemen.

That whenever charges are preferred in writing and filed with the president of said board by any person against any such officer for any or all of the offenses named or provided for as above, it shall be his duty to have the accused duly served with a copy of such charges, and shall set a day to inquire into the truth of such charges, and shall notify the accused and the other members of said board, and the witnesses for and against the accused, to be present, and the said board of commissioners shall constitute a court to try and determine said case, and they are hereby invested with exclusive jurisdiction to hear and determine said charges, and may continue the investigation from day to day, upon proper showing, to enable the accused or prosecutor to get material evidence before said board. The accused shall have the right to be heard in person or by counsel, and said board shall likewise be represented by counsel, if they desire it. Upon the conclusion of the investigation and argument of the case a vote shall be taken on each charge and specification, and if a majority of all the members of said board vote to sustain either of the charges against the accused, it shall be the duty of the president of said board to enter up the judgment of the court, in which he shall record the vote of each member of said board upon the several charges and specifications, and shall also include in said judgment an order removing the accused from his office and declaring the same vacant, but if the vote is otherwise the accused shall be declared "not guilty," and judgment entered accordingly.

SEC. 33. The hospital in said city known as the John Sealy Hospital shall, so long as the same is under lease from the State to the city, be under the exclusive control of a board of managers to be known as the "John Sealy Hospital Board," and to consist of five members, to be chosen or appointed as hereinafter provided every two years, and within thirty days after the installation of each new board of commissioners. Two of the members of the said hospital board shall be selected from said board of commissioners, the members so selected to be the commissioner of finance and reve-

nue and commissioner of streets, alleys, etc., two to be named or selected by the board of regents of the University of the State, and the fifth member to be named or selected by these four; provided, however, that all members of said John Sealy Hospital board shall be resident citizens of said city of Galveston; and provided further, that in case a majority of said four can not agree upon the fifth member, then such fifth member shall be named or designated by the president of the board of commissioners. The said John Sealy Hospital board shall have the exclusive right to appoint the house surgeon, steward, matron, nurses and such other subordinate officers and employes of said hospital as may be required for properly carrying on or conducting the same; to designate the duties of such subordinate officers and employes; to determine their salaries and compensation, and change the same, and to suspend or discharge them; provided always, that the said hospital board shall, in no event, exceed in any one year in their expenditures the annual allowance set apart by the board of commissioners for defraying the expenses thereof; and the said board of commissioners, as long as said hospital is under lease from the State to the said city, or is in any way responsible for such expenses, shall have the exclusive right to determine and regulate the amount to be expended in carrying on or in conducting the said hospital. The said John Sealy Hospital board shall have the exclusive right to prescribe rules and regulations for the management and conduct of the hospital, and shall have the exclusive management and control of its internal government. The board of health of the city of Galveston, acting through the health physician of said city, shall have the sole and exclusive right and authority, whilst the city is such lessee, to determine and designate what person or persons may be admittted as charity patients into said hospital. Patients who pay for hospital services rendered them may, however, be received into said hospital under rules and regulations to be prescribed by said hospital board; provided always, that applications for admittance into said hospital for treatment as charity patients, with written permits to that effect signed by the health physician of the

city of Galveston, shall have precedence over all others applying for admittance therein.

The financial affairs of said hospital, so long as the city of Galveston is such lessee, shall be under the exclusive control of said board of commissioners, and the said hospital board shall furnish to the said board of commissioners at its regular meeting in February of each year during said lease an itemized statement or estimate of the various officers and assistants and the nurses and other employes and their salaries and wages, and the nature and amount of all other expenses necessary to the proper management and maintenance of said hospital for the twelve months next thereafter ensuing, which statement or estimate shall be subject to revision, alteration, modification and reduction by said board of commissioners; and no expense or liability not provided for in said estimate or statement as finally approved and adopted by said board of commissioners shall be incurred by said hospital board, or any subordinate in the management of said hospital, unless the approval of the board of commissioners in that regard shall have first been obtained. All moneys or revenues arising from hospital service in said institution during such lease shall, as collected, be paid into the city treasury as a part of the revenues of said city.

The said hospital board shall keep and preserve or cause to be kept and preserved, in well-bound books, accurate minutes of its meetings and proceedings; also, in like manner a roster of all visiting physicians and surgeons, and all officers, employes and internes of said hospital, and in what capacity serving, with dates of entering service and of discharge therefrom, length of time employed and salaries and wages allowed; and also a hospital register, showing name, age, sex, nationality and residence of each and every person admitted as a patient, disease at the date of admittance or supervening while in hospital, dates of admittance, dates of discharge or death of all patients admitted into said hospital for treatment, the authority for the admittance of each patient, and the rate charged each and every pay patient; and the house surgeon or other officer in charge of said

hospital shall keep, or cause to be kept, in well-bound books, correct and accurate accounts of all receipts and disbursements for account of said hospital, and shall render, under oath, to the said board of commissioners, through the said hospital board, monthly reports or statements showing, for the month then ending all receipts and disbursements, with proper vouchers; also the number and names of all patients received, the respective dates of admittance, and whether charity patients or pay patients; the number and name of all patients that have been discharged, or have died during the month; the disposition made of the bodies of all patients who have died during the month; and the names of all officers and employes, in what capacity serving, and at what salary or wages, respectively. The medical staff of the John Sealy Hospital shall be constituted of the house surgeon, to be selected as above provided, and during said lease compensated by the city; of the visiting physicians and surgeons, to be designated by the board of regents of the University of the State of Texas, from the faculty of the medical department thereof, but who are to receive no compensation from the city for their services; and of two or more students from the medical branch of said University, to serve as internes, and to be selected by said board of regents; the number and duties of the internes to be determined by said hospital board, and said internes to receive for their services only their board and lodging in said hospital. The officers in charge of said hospital shall, at all times, admit for the purpose of inspection, any member of the board of commissioners, or any member of the board of health of said city, charged with the duty of visiting or inspecting said hospital, and in like manner the regents of the said University or their authorized agents. All the members of said hospital board, as also the house surgeon, shall before entering upon their respective duties, take the oath of office as prescribed by the Constitution of the State of Texas.

SEC. 34. That the local government established by this act shall have power:

To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for

that purpose and to enforce them within the city and within ten (10) miles thereof.

(1). To have the exclusive control and power over the streets, alleys, highways and public grounds, and to abate and remove encroachments or obstructions thereon; to open, alter, widen, extend, establish, regulate, grade, clean and otherwise improve the same; and to put drains and sewers therein, and to prevent the incumbering thereof in any manner, and to protect the same from any encroachment or injury, and to regulate and alter the grade of premises, and to require the filling up and raising of the same to such grade as may be established under the provision of this act.

(2). To provide for lighting the streets and to regulate the lighting thereof, and to exclusively regulate, direct and control the laying and repairing of gas pipes and fixtures in the streets, alleys, and sidewalks thereof.

(3). To erect and establish hospitals, and control and regulate the same.

(4). To regulate the inspection and vending of fresh meats and all other provisions, and to make such rules and regulations in relation to butchers and other vendors of provisions as may be deemed necessary and proper.

(5). To prevent, prohibit, and suppress immoderate riding or driving in the streets, and to prohibit and punish the abuse of animals, and to compel persons to fasten horses and other animals while standing or remaining in the streets.

(6). To restrain and punish vagrants, mendicants, beggars and prostitutes, and to cause the arrest of all vagrants, tramps, drunken or disorderly persons within said city, and to provide for the punishment of the same by fine or otherwise.

(7). To arrest and confine for trial, or take bond for the appearance at trial, of all persons charged with offenses which are punished as misdemeanors by the laws of the State of Texas, or said local government.

(8). To compel all owners, tenants or occupants of improved property in all instances that may be deemed necessary for good sanitation, to construct sanitary appliances,

and to connect the same with water and sewer mains or pipes.

(9). To direct and determine in what part of said city buildings of wood shall not be erected; to regulate and establish the size of bricks that are to be used in houses to be built in said city, and to prescribe the material out of which the mortar used in said houses is to be made and the proportions of such material; to provide for the taking down and removal of buildings, walls, structures, or superstructures, that are or may become dangerous, and to require owners to remove them, or put them in a safe and sound condition at their own expense; to regulate the building and maintenance of party walls, partition fences, parapet and fire walls, smoke flues and fire places, hot air flues, boilers, kettles, smokestacks and stove pipes; to provide for and regulate the safe construction, inspection and repair of all private and public buildings within the said city, and to regulate, restrain or prohibit the erection of wooden or frame buildings within the limits of said city, or any part thereof, and remove the same at the owner's expense when erected or suffered to remain contrary to law or ordinance; to regulate the height, construction and inspection of all new buildings hereafter erected in said city, and the alteration and repair of any buildings already erected, or hereafter to be erected, in said city, and to regulate the limits within which it shall be lawful to erect steps, porticoes, bay windows, sheds, galleries, awnings or other structural ornaments to houses fronting on any of the streets or alleys of said city.

(10). To prohibit by fine the introduction of paupers into the city by steamboats, railroads or other carriers of persons; to regulate, control and suppress disorderly houses and houses of ill-fame; to regulate, control and suppress houses of assignation and gaming houses, and to punish gaming as provided by the Penal Code of the State of Texas; to pass all laws to preserve the health of the city; to define, prevent and remove nuisances within the city, and for a distance of five miles outside of the same; to prohibit the erection of houses for curing green hides, or slaughter pens, or factories, and all houses of like character; to have the power to require all

owners, tenants, or occupants of improved property, which may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the said city may construct, own or control, to connect with such sewer or system of sewerage, all water closets, sinks or drains upon their respective properties or premises, so that their contents may be made to empty into such sewer or system of sewerage; provided, that whenever any tenant or occupant shall be required under any ordinance of the city to make sewer connection, or to do any other thing of which the board of commissioners has the power to compel the performance, such tenant or occupant shall have a lien upon the property occupied for reimbursement and reasonable attorney's fees, if the primary obligation to do the same was on the landlord, said lien to be enforced by competent proceedings in any court of competent jurisdiction, and the tenant or occupant may, when so entitled under the general principles of set-off, use such claim against his liability for rent; and to have power to condemn as nuisances all buildings, cisterns, wells, privies and other erections in the city which, on inspection, shall be found to be unhealthy, unsanitary or dangerous to persons or property, and cause the same to be abated or removed, unless the owners thereof, at their own expense, upon notice, shall reconstruct the same in such manner as shall be prescribed by the laws of the city; and as to all buildings, cisterns, wells, privies and other private improvements to be constructed in future, they shall have the power, and it shall be their duty, to have the same so constructed as not to interfere with the health of persons, or the safety of persons or property, within the city.

(11). Said board shall have the power, and it shall be their duty, to provide that the city is kept in a clean and healthy condition, the yard and premises of every occupant of every dwelling, outhouse, office, store, shop, or other place of business, are cleaned and so kept by such occupant, every day, at his own expense, and to prohibit, by proper laws and penalties, every such occupant from throwing or putting any trash or improper material in the streets, alleys or sidewalks, except for the purpose of removal; to require such occupant

daily to deposit all unsanitary material in the street near by, in some suitable vessel to be provided by the occupant at his or her own expense, to be carried off by the public carts; to have power to prohibit the erection, building, placing, moving or repairing, of wooden buildings within such limits in said city as for the purpose of guarding against the calamity of fire may be designated and prescribed, and may also within said limits prohibit the moving or putting up, of any wooden buildings from without said limits, and may also prohibit the removal of any wooden buildings from one place to another within said limits, and may direct, require and prescribe that all buildings within the limits so designated and prescribed as aforesaid, shall be made or constructed of fire-proof materials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits when the same shall have been damaged to the extent of thirty-three and one-third per cent (33 1-3 per cent) of the value thereof, and may prescribe the manner of ascertaining such damage, and may declare all dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct, and to declare all wooden buildings in the fire limits which they deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and require and cause the same to be removed in such manner as they shall prescribe.

(12). To have the power to prevent and prohibit the dangerous condition of chimneys, flues, fire places, stove pipes, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed, or placed in a secure and safe condition, when considered dangerous, and generally to establish such regulations for the prevention and extinguishment of fires as said board of commissioners may deem expedient.

(13). To regulate and control plumbers, and plumbing works, and to enforce efficiency of the same.

(14). To direct, control and prohibit the keeping and management of houses, or any building for the storing of gunpowder and other combustible explosives, or dangerous

materials within the city, and to regulate the keeping and conveying of the same, and to regulate and prevent and prohibit the use of fireworks within the said limits.

(15). To regulate and prescribe the mode and speed of vessels, steamboats and other craft on entering and leaving the harbors of said city, and of coming to and departing from the wharves thereof, and the disposition of the sails, yards, anchors and other appurtenances of such vessels, while entering, leaving or abiding in such harbors, and to regulate and prescribe the location of every steamboat, steamship, or other craft, ship, vessel, barge, boat or float, and such changes of station and use of the harbor as may be necessary to promote order therein, and in the safety and equal convenience, as near as may be, of all steamboats, steamships or other craft, ship, vessel, barge, boat or float, and may impose penalties for any offense against such ordinance, and may appoint a harbor master to carry out the powers herein granted, and to report any violation of such regulations to the court having jurisdiction thereof.

(16). To direct and control the laying of railroad tracks, turnouts and switches, or to prohibit the same in the streets, avenues and alleys, unless the same shall have been authorized by ordinance; to require that all railroads, turnouts and switches shall be so constructed as to interfere as little as possible with the ordinary travel and use of streets, avenues and alleys, and that sufficient space shall be left on either side of said track for the safe and convenient passage of persons, teams, carriages and other vehicles, and to construct and keep in repair suitable crossings at the intersections of streets, avenues and alleys, and ditches, sewers and culverts, when the said commissioners shall deem it necessary; and to direct the use and regulate the speed of locomotive engines within said city or to prevent and prohibit the use or running of the same within the said city.

(17). To make all suitable and proper regulations in regard to the use of the streets for street cars, and to regulate the running of the same so as to prevent injury or inconvenience to the public.

(18). To regulate or forbid the opening and digging up of the streets or alleys by gas, telephone or other companies to the public detriment.

(19). To provide the city with water; to make, regulate and establish public wells, pumps, cisterns, hydrants and reservoirs in the streets or elsewhere within said city, or beyond the limits thereof, for the extinguishment of fires and the convenience and health of the inhabitants thereof, and to prevent the unnecessary waste of water, or any injury to said waterworks; and to pass ordinances for the condemnation of property for the purpose of establishing, enlarging or maintaining a system of waterworks, whether within or without the limits of such city, conforming the mode and manner of the same to the rules now prescribed for cities and towns by the General Laws of the State in the condemnation of property for the construction of sewers or sewerage systems.

(20). To authorize and regulate the laying of pipes and the location and construction of tanks, reservoirs and pumping stations for the storage and conveyance of oil and gas.

(21). To regulate the inspection and vending of fresh meats, fish and other provisions, and to prohibit the sale of any tinted or unwholesome meat, fish or other provisions, and to make such rules and regulations in relation to butchers as they may deem necessary and proper.

(22). To erect and repair all necessary public buildings.

(23). To repair and keep in repair streets, alleys, sidewalks and other public grounds and places in the city.

(24). To open and widen streets, to change the location thereof, or to close the same, and to lay off new streets and alleys when necessary, and to have and exercise control over all streets and other public property of the city, as well as that without as that within the city.

(25). To accept any money or property for the purpose of any public or corporate use.

(26). To provide by ordinance special funds for special purposes, and to make the same disbursable only for that purpose for which the fund was created, and any officer of said city misapplying said special fund shall be deemed guilty of malfeasance in office, and shall, on complaint of any one

169503

interested in said fund so misapplied, or any taxpayer of said city, be removed therefrom, and shall be incapable thereafter to hold any office in said city, and shall, on conviction before any court of competent jurisdiction, be fined in a sum not exceeding five thousand (5000) dollars, and be imprisoned in the county jail not exceeding six (6) months.

(27). To provide for the inclosing, regulating and improving of all public grounds, parks and esplanades belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets, sidewalks and public grounds thereof.

(28). To regulate the carrying of weapons, and to prevent the carrying of the same concealed.

(29). To authorize the proper officer of said city to grant and issue licenses and to direct the manner of issuing and the registering thereof, and the fees and charges to be paid therefor; provided, that no license shall be issued for a longer period than one year, and shall not be assignable, except by permission of the board of commissioners.

(30). To establish and regulate public pounds, and to regulate, restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats and geese, and to authorize the distraining, impounding and sale of the same for the costs of the proceeding and the penalty incurred, and to order their destruction when they can not be sold, and to impose penalties on the owners thereof for violation of any ordinance, and also to impose penalties on the owners or keepers thereof, and to tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

(31). To regulate the burial of the dead, and to regulate the registration of deaths, marriages and births. No person shall be buried without a certificate of the physician or post-mortem examination, or after a coroner's inquest.

(32). To compel and force all offenders against any ordinance of the city found guilty by any court of competent jurisdiction and sentenced by it to imprisonment, to labor on the

streets and alleys of said city, or on any public works thereof, under such regulations as may by ordinance be established.

(33). The board of commissioners, as established by this act, shall be invested with the power and charged with the duty of making all laws or ordinances not inconsistent with the Constitution of this State, that may be necessary and proper to accomplish the general object of this act, and to pass all ordinances, rules and regulations necessary for the good government, peace and order of said city and the trade and commerce thereof, and to adopt rules for the government of its proceedings.

(34). Said board shall have the power to establish, erect, construct, regulate and keep in repair bridges, culverts, sidewalks and crossways, and to regulate the construction and use of the same, and to abate and punish any obstructions or encroachments thereon, and the cost of the construction of sidewalks shall be defrayed by the owners of the lot or part of lot or block fronting on the sidewalk.

(35). To establish and erect markets and market houses, designate, control and regulate market places and privileges, inspect and determine the mode of inspecting meat, fish, vegetables and all produce and every article and thing therein brought for sale.

(36). To provide for the suppression and prevention of any riot, rout, affray, noise, disturbance or disorderly assembly in any public or private place within the city.

(37). To prohibit and restrain the firing of firecrackers, or use of any pyrotechnic or any other amusement or practice tending to annoy persons passing in the streets or sidewalks or to frighten horses or teams; to restrain and prohibit the ringing of bells or the blowing of horns and bugles, crying of goods and all other noises, practices and performances tending to the collection of persons on the streets and sidewalks, by auctioneers and others, for the purpose of amusement, business or otherwise.

SEC. 35. To prevent, regulate and control the driving of cattle, horses and all other animals into or through the city.

SEC. 36. To prevent any person from bringing, depositing or having within the limits of said city any dead carcass

or other offensive or unwholesome substance or matters, and to require the removal or destruction by any person who shall have placed, or caused the same to be placed, upon or near his premises or elsewhere, of any substance or matter, filth or any putrid or unsound beef, pork or fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer of the city, and require the owner of any dead animal to remove the same to such place as may be designated.

SEC. 37. The said board of commissioners shall have the power to do any and all acts necessary to preserve the harbor, and to dredge out, widen or deepen the channel of the harbor of the city of Galveston, to prevent any use of the same or any act in relation thereto inconsistent with the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the said channel; and to prevent and punish the casting, throwing or depositing therein of any stone, shell or other substance, logs or floating matter, and to prevent and remove all obstructions therein and to punish the authors thereof. It shall also have the power to erect and to regulate the erection of wharves fronting the channel, or their extension in such manner as may be by it deemed for the public interest, to fill or cause to be filled or otherwise improved, any property belonging to said city of Galveston, or under its control, and to do any and all acts necessary and proper to promote the use and availability of such property for the purposes of commerce and in aid of the preservation and protection of the said harbor of Galveston and the channel therein.

SEC. 38. To prevent all trespasses, breaches of the peace and good order, assaults, assaults and batteries, fighting, quarreling, using abusive and insulting language, misdemeanors and disorderly conduct, and to punish all persons thus offending.

SEC. 39. To prevent all prize fighting, cock and dog fighting, and punish all persons thus offending.

SEC. 40. To regulate and determine the time and place of bathing and swimming in the waters adjoining or within said

city, and to prevent any obscene or indecent exposition, exposure or conduct.

SEC. 41. The board of commissioners shall have power to require on due notice all railway companies owning track within the city limits, which may have been or may hereafter be abandoned by them, by non-user, to remove such tracks and to restore at their own expense the street or way upon which such abandoned track is located to proper grade. The board of commissioners shall have power at any time to change the location or remove the railway track or tracks on any street or avenue from one portion of the street to another, and to enforce such change of location in mode to be prescribed by ordinance.

SEC. 42. The board of commissioners shall, as soon as may be, after the commencement of each fiscal year, contract as they may by ordinance or resolution determine, with a public newspaper of such city, as the official paper thereof, and to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matter required by this act, or by the ordinances of said city to be published.

SEC. 43. The board of commissioners shall have authority, by ordinance duly enacted, to provide for the establishment and maintenance of a free public library in the city of Galveston, and to this end may make appropriations in amounts within their discretion; and may receive donations of books, papers, magazines, periodicals, or other property, or money, for the benefit of and maintenance of such public library.

SEC. 44. The board of commissioners shall have power to appropriate money to provide for the expenses of said city. In the month of February of each year, or as soon thereafter as practicable, it shall make a careful estimate of the probable revenues of said city for the ensuing year, and shall provide for the disbursement and expenditure of the same and shall at the same time fix the salaries of all officers and employes appointed or elected under the provisions of this act, except those whose compensation is fixed herein, said appointment to be made as follows, towit:

1. It shall reserve and set apart a fund of twenty-five thousand (25,000) dollars, to be used only in case of extraordinary emergencies, which could not have been foreseen before their occurrence, but in no event to be used for the ordinary expenses of said city; and whenever there shall remain unexpended any portion of such reserve fund the same shall constitute a part of such reserve fund for the next ensuing year.

2. It shall then apportion the remainder of the estimated revenue to the several departments of the said city for the general expenses thereof.

Any member of said board of commissioners who shall knowingly vote for, or in any manner aid or promote, the passage or adoption of any ordinance, legislation or other act of said board increasing the appropriation for the expenses of said city beyond the estimate aforesaid, unless the actual revenue shall have exceeded such estimate, and, in such event, beyond such actual revenue, shall thereby vacate his office, and shall be guilty of malfeasance in office, and shall be removed from his office in the manner provided for in this act, and shall be removed from his office in the manner provided for in this act.

Said estimate or budget shall be prepared in such detail, as to the aggregate sum and the items thereof, as the said board shall deem advisable, and in order to enable the said board to properly prepare such estimate, the heads of all departments shall, at least thirty (30) days before the said estimate is hereby required to be made, send to the said board, in writing, estimates of the amounts needed for the conduct, respectively, of each department of said city for the next ensuing fiscal year. Such estimates shall be verified by the oath or affirmation of the parties making them, and a wilfully false statement made in a material matter, contained in such estimates so made to said board, shall be perjury and punishable as provided by the Penal Code of the State of Texas. The said estimates shall specify in detail the objects thereof and items required for the respective departments, including a statement of each of the salaries of the officers, employes, deputies and subordinates in each department. It shall be the duty of said board of commissioners, when assembled for

the consideration and appropriation for said budget, to consider and investigate the estimates prepared by said officers, and to hold daily sessions for the consideration and adoption of said budget. After said budget shall have been duly passed and adopted, said board of commissioners shall not have the power to increase the amounts fixed therein, in order to insert any new items therein during such current year, and the said several sums, as therein fixed, shall be and become appropriated after the beginning of the next ensuing fiscal year for the several purposes therein named, to be used by the said board of commissioners and the several departments of said government for the purposes therein named, and for no other purposes or uses whatever. And said board of commissioners shall not have the power, by any ordinance or resolution, to enlarge any item contained in said budget after the same is duly passed. No appropriation provided for in said budget shall be diverted or used under any circumstances for any other purposes than that named therein; and no temporary loan shall be authorized or made to pay any deficiency arising from a failure to realize sufficient income from taxation to meet the amounts provided for in said budget, but the said board of commissioners may borrow money for its use in anticipation of the receipt of taxes levied for any one year; and pledge as security the uncollected taxes for any such year; provided, however, that the money so borrowed for this purpose shall not exceed in any one year the sum of $100,000. In case of any such deficiency there shall be a pro rata abatement of all appropriations contained in said budget; and in case of any surplus arising in any fiscal year by reason of an excess of income received from the estimated revenues over the expenditures for such year, the said surplus shall be credited to the general fund of said city and shall form part of the general fund for the next ensuing fiscal year. The fiscal year of the city of Galveston shall begin on the first day of March in each year; provided, however, that the first board of commissioners appointed and elected under this act shall, within thirty days after their qualification, make up a budget in compliance with the provisions of this section for the period ending February 28, 1902.

SEC. 45. No franchise or right in relation to any highway, avenue, street, lane or alley, either on, above or below the surface of the same, and no franchise or right in relation to any island or land covered by water that may belong to or be claimed by the city of Galveston, shall be granted by the board of commissioners to any person or corporation for a longer period than fifty (50) years. Every grant of any such franchise or right may make provision by way of forfeiture of the grant or otherwise for the purpose of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition throughout the full term of the grant. Before any grant of any such franchise or right shall be made, the proposed specific grant, embodied in the form of a brief advertisement, prepared as may be directed by ordinance of the board of commissioners, shall be published at the expense of the applicant, for at least three (3) days in the official journal of said city. When the grant of any such franchise or right is made, the city shall not part with, but shall expressly reserve the right and duty at all times, to exercise in the interest of the public, full superintendence, regulation and control in respect to all matters connected with the police powers of said city. Before any such grant of any such franchise or right shall be made, the proposed specific grant shall be embodied in the form of an ordinance, with all such terms and conditions as may be right and proper, including a provision as to the rates, fares and charges if the grant provides for the charging of rates, fares and charges. All legal ordinances, resolutions or acts heretofore passed or had by the said city, making any grant or concession, or vesting any property right, interest or franchise, shall remain unaffected by the repeal of the charter of said city, and amendments thereto, hereinafter provided for.

SEC. 46. Said board of commissioners shall have the power and it is made their duty to adopt rules and regulations for the management of the waterworks and sewerage systems, and they shall make and establish a schedule of water and sewer rates and tolls, and describe the mode and manner of the construction of the surface pipes, alley laterals and house con-

nections, with the water mains and sewer pipes; and the said board of commissioners shall pass all ordinances necessary for the protection and preservation of the said waterworks and sewerage system, and for the prevention of waste and damage thereto; and said board of commissioners shall have power to require all property owners whose property may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the said city may construct or authorize to be constructed, or that it may acquire by purchase or otherwise, to connect with such sewer or system of sewerage all water closets, sinks and drains located upon their respective property or premises, so that their contents may be made to empty into such sewer or system of sewerage, whether said system is constructed by said city or is acquired by it by purchase or otherwise.

SEC. 47. That neither the said commissioners nor the said city of Galveston shall be liable in damages, except for negligence, for any injury or injuries to persons or to property caused by filling, raising, grading or elevating any property within the city of Galveston, or in the prosecution of any public improvement in said city.

SEC. 48. The board of commissioners shall have power, and they are hereby authorized, to impose additional uses and burdens upon the streets, avenues, alleys and public grounds of said city, for the location, construction and maintenance of breakwaters and other like works for the protection of the city of Galveston, whether constructed by the United States government the State of Texas or the city of Galveston, with the right to take and appropriate such land and other property as may be deemed necessary for the establishment, location, construction and maintenance of said breakwaters and other like works for the protection of the city of Galveston from encroachment or overflow by the waters of the gulf; and for such other purpose to define the area of land needed and to acquire, take, hold and enjoy the same, and for that purpose shall have the right to exercise the right of eminent domain and to condemn lands for said purposes and uses, in the manner and under conditions provided by law in the case of railroad corporations.

SEC. 49. To pass ordinances for the condemnation of property for the purpose of opening the streets in the city, conforming the mode and the manner of the same to the rules prescribed for cities and towns by the General Laws of the State; and to regulate, prohibit or remove all buildings or structures on the shores or in the waters within the limits of the city where the same are not authorized by law.

SEC. 50. That said commissioners shall not issue any bonds, notes, scrip or other evidence of indebtedness, except as provided in this act, and shall in no event contract for work, material or services in excess of the amount of the estimated revenues for the current year and the funds on hand applicable to such purposes; and all parties contracting with said commissioners for work, material or services shall look alone to the revenues for that year, and to such funds as may be applicable for such purposes at the date of any such contract, and the revenues of no subsequent year shall be appropriated or used to meet any such deficit, and no property, real or personal, owned or held by said city of Galveston for public use, for governmental purposes, or in trust for the public, shall ever be subject to execution or attachment, or seizure under any legal process, for any debt heretofore or hereafter created by said city of Galveston; and all taxes due, or money in the hands of the officers charged with the collection of taxes or any other revenues belonging to said city, shall be exempt from seizure, under attachment, execution, garnishment or any other legal process.

SEC. 51. To license and tax the owners of all vehicles in the city of Galveston used or kept for private or public uses, and to license, tax and regulate hackmen, draymen, omnibus drivers and drivers of baggage wagons, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and provide for their protection, and make it a misdemeanor for any person to attempt to defraud them of any legal charge for services rendered, and to regulate, license and restrain runners for steamboats, railroads, stages and public houses; and enforce the collection of all such taxes by proper ordinances; and all revenues collected under the provisions of this section, or any ordinance passed

in pursuance thereof, shall be used only for the improvement of the streets and alleys of said city.

SEC. 52. That the said board of commissioners of said city is authorized to appropriate all delinquent taxes against which no demands are outstanding, and after the purposes for which said taxes were levied have been fulfilled and satisfied, to any proper municipal purposes, and the said board is empowered, at the end of each fiscal year thereafter, to declare such residue of all said delinquent taxes a surplus fund, and to direct that the same, when collected, be carried in bulk as a surplus account, subject to appropriation by said board for proper municipal purposes, under the provisions of this act.

SEC. 53. The following property in said city shall be exempt from taxation, towit: All lands used exclusively for graveyards, or grounds for burying the dead, except such as are held or owned by any person, company or corporation with a view to profit, or for the purpose of speculation in the sale thereof; all buildings belonging to institutions of purely public charity, together with the lands belonging to and occupied by such institutions not leased or otherwise used, with a view to profit, and all moneys and credits appropriated solely to sustaining such institutions, together with such other property as is exempt from taxation by the Constitution and laws of the State of Texas or of the United States.

SEC. 54. The board of commissioners shall have power and they are hereby authorized to levy for general purposes an annual ad valorem tax on all real, personal and mixed property within the territorial limits of said city, not exempt from taxation by the Constitution and laws of the State of Texas, of and at the rate of not exceeding seventy (70) cents on the one hundred (100) dollars cash valuation of said property. The meaning of the term "real property," as used in this act, shall be construed to include lots, lands and all buildings or machinery and structures of every kind erected upon or affixed to the same; and the meaning of the term "personal property," as used in this act, shall be construed to include all household furniture, moneys, goods, capital and chattels, all ships, steamboats and vessels, whether at home or abroad, all stocks of corporations, moneyed or otherwise, and, generally, all

property which is not real. That the taxes herein and hereby authorized to be levied shall become due and payable on September first of each year and shall bear interest at the rate of six per cent per annum from October first following the said levy, until the same are paid, and said taxes are hereby made payable in the currency or coin of the United States.

Said board shall also have the power to annually levy and collect a poll tax of one (1) dollar of and from every male inhabitant of such city over the age of twenty-one (21) years and under sixty (60) years of age, who shall have resided therein six (6) months previous to the levy of such tax.

Said board of commissioners shall have power to provide by ordinance for the assessing and prompt collecting of all the taxes aforesaid, and to determine when taxes shall be paid by corporations and when by individual corporators. The license and occupation taxes authorized to be levied by this act shall be collected by the assessor and collector of taxes, and shall be paid to that officer by each and every person and firm before engaging in any trade, profession, business, calling, vocation or occupation subject to said tax, as is provided by the terms of this act.

Said board of commissioners shall have the power to regulate the manner and mode of making out tax lists or inventories, and the appraisement of property therein, and should prescribe how and when property shall thus be rendered, and shall also prescribe the number and form of assessment rolls and fix and define the duties and powers of the assessor and collector, and adopt such measures as they may deem advisable, to secure the assessment of all property within the limits of said city, and to collect the taxes thereupon, conforming the said manner and mode of rendering property for assessment, and the assessment thereof, as near as may be, to that provided by law for the rendition and assessing of property for State and county purposes, and until the passage of such ordinances the said board of commissioners and the assessor and collector of taxes shall be governed in their procedure and acts in relation to the assessment and collection of said taxes as is provided by the laws of this State relating to the assessment and collection of State and county taxes.

When any real or personal property situated with the territorial limits of said city has been returned delinquent, or reported sold to said city for the taxes due thereon, the board of commissioners may cause to be prepared lists of delinquents in the same manner as is provided for in Section 3 of the act of the Twenty-fifth Legislature of the State of Texas, and set out in Chapter 103 of the General Laws of said Twenty-fifth Legislature, and when such list shall be certified to as correct by the president of said board of commissioners, the said board of commissioners may direct the city attorney to file suit in the district court of Galveston county for the recovery of the taxes due on said property, together with the penalty, interest and costs of suit, which suits may be brought in the same manner as is provided in Section 5 of said act of the Twenty-fifth Legislature above mentioned, for the bringing of suits by the county attorney, and the provisions of said act of the Twenty-fifth Legislature, as contained in Chapter 103 of the General Laws of said Legislature, shall be in force as to such taxes so far as the same are applicable.

SEC. 55. The board of commissioners shall have power to provide by ordinance for the levy and assessment of taxes on the property or shares of the capital stock of all corporations, companies, banks and other like institutions, and on their notes and bills receivable, and all of said property or shares of such corporations, companies and banks shall be assessed and taxed in the same manner as is provided by the laws of the State of Texas for State and county taxes.

SEC. 56. All taxes levied by this act shall be a lien on all property upon which they are assessed, both real and personal, until the same shall have been paid, and in addition to the other remedies provided by this act for the collection of such taxes suits may be instituted to recover the same and the said liens forclosed in any court of competent jurisdiction.

SEC. 57. Any and all descriptions of real estate, blocks, outlots, lots, or any parts or fractions thereof, and of all personal property, and any and all dates, years, valuations, taxations, numbers, quantities, or amounts contained in any assessment roll, land tax book, personal tax book, or descriptions contained in any book or roll used for the purpose of

assessing property, shall be sufficient and valid when made or stated in whole or part in abbreviations or contractions of words, letters, characters, or figures; and when so made or stated shall be deemed and held to be fully and fairly made and stated, as though the same had been written out in full. No error or irregularity in any assessment roll, tax book, or other document relating to the levy, assessment, equalization, or collection of the taxes of the city shall in any manner affect or impair the validity of any tax, or affect the proceedings for the collection thereof, but every such assessment shall be liberally construed to affect the purposes and objects of this section in determining the validity thereof.

SEC. 58. That in all cases where any dealer in goods, or merchandise of any kind subject to either ad valorem or occupation taxes, or both, under the provisions of this act, shall, after the rendition of said goods, wares, or merchandise, for taxation or after becoming liable for any occupation tax, become, or be adjudged, bankrupt, or make an assignment of said goods, wares or merchandise, or sell out or transfer the same in bulk, then the assessor and collector of taxes shall at once present to the trustee in bankruptcy, receiver, assignee, or vendee of said dealer, for payment, a statement of the amount due for said occupation or ad valorem taxes by said dealer, and in case of the failure of said trustee in bankruptcy, receiver, assignee, or vendee to at once pay the amount of said taxes, the said assessor and collector shall, by virtue of his assessment roll, levy upon, seize and sell from the said goods, wares, or merchandise, enough to satisfy the amount of said taxes, interest and costs, such sale to be conducted in the manner prescribed for the sale of personal property under execution; and said taxes, until paid, shall be and constitute a prior lien on all of said merchandise, goods and wares, in default of the payment of said taxes; and, whenever any goods, wares, or of attachment or execution upon which the said city has a assessor and collector shall, by virtue of his assessment roll, levy upon, seize and sell from the said goods, wares, or merchandise, enough to satisfy the amount of said taxes, interest and costs, such sale to be conducted in the manner now prescribed for the sale of personal property under execution;

and said taxes, until paid, shall be and constitute a prior lien on all of said merchandise, goods and wares, in default of the payment of said taxes; and whenever any goods, wares, or merchandise shall be levied upon or seized under any writ of attachment or execution, upon which the said city has a claim for ad valorem or occupation taxes unpaid, said assessor and collector shall present for payment to the officer levying said writ of attachment or execution, the amount due for said taxes, interest and costs on said goods, wares or merchandise, and in case of the failure of said officer, or of the plaintiff in said writ, to at once pay the amount of said taxes, said assessor and collector shall proceed to levy upon, seize and sell enough of said goods, wares or merchandise, to satisfy the amount of said taxes, interest and costs, as hereinbefore provided.

SEC. 59. No demand for the payment of any taxes due the city shall be necessary, but it is hereby made the duty of every person or corporation subject to taxation to attend at the office of the assessor and collector of taxes at the time when said taxes may be made payable by ordinance, and pay all such taxes. If any one fails to pay said taxes before the first day of October the same shall be and become delinquent within the meaning of this act.

SEC. 60. All taxes due by property owners on any and all property for the year 1884 and up to and including the year 1899, and for all years to come until otherwise provided by charter, as appears upon the tax rolls of said city, may be collected by suit from delinquent and foreclosure of the lien thereon be had in any court having jurisdiction of the same, and any person who shall purchase property encumbered with a lien for taxes shall be deemed as to such taxes a delinquent taxpayer, and such purchaser takes the property charged with the lien, and he can not interpose any defence which his vendor might not have interposed had he continued to be the owner thereof. And no delinquent taxpayer shall have the right to plead in any court, or in any manner rely upon, any statute of limitation by way of defense against the payment of any taxes or assessments due from him or her to the city of Galveston.

SEC. 61. In all cases where the State has instituted suit for taxes, where taxes are due the city on the same property for the same years, the city of Galveston shall have the right to intervene in such pending suits and have judgment for its taxes and to foreclose its lien for said taxes, and in cases where the city has first instituted suits for taxes the State shall have the same right to intervene.

SEC. 62. Said board of commissioners shall have the power to license, tax and regulate merchants, commission merchants, hotel and innkeepers, drinking houses or saloons, barrooms, beer saloons and all places or establishments where intoxicating or fermented liquors are sold, brokers, money brokers, real estate agents, insurance agents, insurance brokers, and all other trades, professions, occupations and callings of every kind not specially mentioned herein as may be taxed or licensed by the laws of the State, but no assessment or license tax levied under this section shall exceed one-half of the amount levied by the State for the same period on such profession or occupation, and the same may be regulated, levied and collected in the same manner as said taxes are regulated and collected by the State.

Said board shall also have the power to license and regulate any itinerant or transient vendor of clothing or wearing apparel, article of bedding or merchandise of any description whatever. To license and regulate dealers in bankrupt or fire stock, or damaged stocks of any kind, second-hand dealers, pawnbrokers, junk shops and dealers in junk, or any other business or occupation which in the opinion of said board shall be the proper subject of police regulation.

SEC. 63. The board of commissioners of said city, by the unanimous vote of the full board, shall have the power, and are hereby authorized, to correct, adjust and reduce any assessment upon property heretofore made, and in cases of financial inability, or acute financial distress, caused by the hurricane of September 8, 1900, to compromise, adjust and settle any uncollected taxes, interest and penalty levied for the year 1900, by said city upon such property, and also to compromise and settle any judgment for taxes, interest and penalty. The power and authority conferred by this section upon

said board of commissioners may also be exercised and enforced by any court of competent jurisdiction.

SEC. 64. That all revenue arising from assessments or real and personal property, that have been heretofore or may hereafter be made or levied on account of public schools or public education in the said city, shall be and remain for the use and benefit of the public schools of said city, and when the said tax is collected it shall be paid over, weekly, to the treasurer of the board of public school trustees of the said city.

SEC. 65. The board of commissioners of said city of Galveston shall, annually, levy and assess the special tax for the support of the public free schools in said city that has heretofore been or may be hereafter voted for that purpose by the qualified voters in the city of Galveston, by an ordinance duly passed by said board upon the requisition of the board of trustees of the public schools of the city of Galveston, said tax to be levied and assessed in the same manner as is required by this act in the levy and assessment of taxes for genral purposes.

SEC. 66. The board of commissioners shall have power to assess and collect the ordinary municipal taxes upon city or horse railroads, and to compel the said city railroad companies to keep their roads in repair, and to restrain the rate of travel so as not to exceed seven miles per hour, and to compel said city railroads to supply ample accommodation for the safe and convenient travél of the people on any street where their tracks may run. The board of commissioners may enforce these regulations by proper ordinance, with suitable penalties for any violation of said ordinances.

Whenever the said board of commissioners shall determine to fill, grade, pave, or otherwise improve any street or avenue, and over and upon which, or any portion thereof, there may be the tracks and roadbed of any railroad company, the said railroad company shall, upon notice, fill, grade, pave or otherwise improve the portion of said street or avenue so occupied by it, between the rails of said tracks and for one foot on each side of said rails, with such material and in such manner as has or may be provided by said commissioners for the improvement of the other portions of such street or avenue. Upon

failure so to do, after thirty days' notice, the said board may so improve such street or avenue between said rails and for one foot on each side thereof for account of said railroad company, and for all sums so expended, and legal interest thereon, the city of Galveston shall have a first lien on the roadbed, franchises and other property of said railroad company; and if not paid upon demand, suit may be brought by said city to recover said indebtedness and for the foreclosure of said lien.

SEC. 67. The city of Galveston shall have the power to issue bonds to the amount of not exceeding $3,100,000.00 of such denomination as the board of commissioners may determine, payable at such time, not to exceed fifty years, as they may determine and as may be agreed to by the holders of such bonds, bearing interest, payable semi-annually, at a rate to be agreed on by the holders of such bonds and the board of commissioners; said interest rate, however, not to exceed five per cent per annum, but the city of Galveston shall have the right to select by lot as interest coupons on said bonds mature, sufficient of the bonds to retire at not exceeding par, not less than two per cent per annum of the total bonds outstanding of each issue into the sinking fund thereof. These bonds are to be issued for the purpose of refunding such of the outsanding bond issues of the city of Galveston as are hereinafter specified; that is to say, a sufficient number of said bonds so authorized to be issued, shall be in lieu and instead of the outstanding forty-year limited debt bonds of 1881; a sufficient number of said bonds so authorized to be issued, shall be in lieu and instead of the waterworks, street improvement and city hall bonds outstanding; a sufficient number thereof shall be in lieu and instead of the forty-year limited debt bonds of 1891 outstanding; a sufficient number thereof shall be in lieu and instead of the general indebtedness funding bonds of 1895 outstanding; a sufficient number thereof shall be in lieu and instead of the general indebtedness funding bonds approved September 8, 1897, outstanding; a sufficient number thereof shall be in lieu and instead of bonds outstanding, issued for the establishment and maintenance of a sewerage system in pursuance of an ordinance of the city of

Galveston passed December 16, 1897, and the amendment thereof, passed August 21, 1899.

The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax not exceeding twenty cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners of said city of Galveston, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid, of the issue of what is known as the forty-year limited debt bonds of 1881, and refunding bonds, respectively issued in lieu of same.

The board of commissioners of the city of Galveston shall have the power to levy, assess and collect an annual ad valorem tax not exceeding sixteen and four-tenths cents on the one hundred dollars valuation of all property subject to taxation within said city in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the waterworks, street improvement and city hall bonds, and refunding bonds, respectively issued in lieu of same.

The board of commissioners of the city of Galveston shall have the power to levy, assess and collect an annual ad valorem tax not exceeding thirty-three cents on the one-hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the forty-year limited debt bonds of 1891, and refunding bonds, respectively, issued in lieu of same.

The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax of not exceeding five and five-tenths cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the general indebtedness refunding bonds of 1895, and refunding bonds, respectively, issued in lieu of the same.

The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax not exceeding five cents on the one hundred dollars valuation of all property subject to taxation within the said city in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid, of the issue of what is known as the general indebtedness refunding bonds of 1897, and refunding bonds, respectively, issued in lieu of the same.

The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax, not exceeding ten cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the sewer bonds and refunding bonds, respectively, issued in lieu of same. Provided, however, that the said board of commissioners shall not determine upon a less rate of interest than five per cent per annum upon any outstanding legal bonds of the city of Galveston, except and unless, with the consent of the holders of such bonds, respectively, and if the

holder or holders of any such bonds do not so consent to a less rate of interest than five per cent per annum, then, and in that case, the bond or bonds of any such holder or holders, not so consenting, shall bear interest at the rate of five per cent per annum.

This act shall not be so construed as to authorize the board of commissioners of the city of Galveston to levy or to assess or to collect any tax in excess of the rates mentioned in this section, for the purpose of paying the interest on, or creating a sinking fund for, any series of either the outstanding bonds or the refunding bonds mentioned in this section; provided, however, that if any of such outstanding bonds be not refunded, then, and in that case, said board of commissioners shall have power to levy, assess and collect such rate of taxation to pay the interest on, and to create a sinking fund for, such bonds not refunded, as does not exceed the rate of taxation prescribed in any legal ordinances, resolution of act heretofore passed by the city council of the city of Galveston or act of the Legislature heretofore passed relating thereto, providing for the issuance and payment of either principal or interest of any such outstanding, legal, unpaid and unrefunded of the city of Galveston.

Each of said funds so created shall be a special fund for the purposes aforesaid and shall not be drawn upon or diverted for any other purpose, and the city treasurer of said city of Galveston shall honor no drafts upon said fund, except to pay the interest upon, or to redeem the bonds for which each or either of said funds was created under the provisions of this section. All bonds issued as refunding bonds, shall be signed by the president of the board of commissioners and countersigned by the secretary of said board and shall be payable at such place as may be fixed by ordinance of said board of commissioners. It shall be the duty of the president of said board of commissioners, when such bonds are issued, to forward the same to the Comptroller of the State of Texas, whose duty it shall be to register them in a book kept for that purpose, and to indorse on each bond registered his certificate of registration.

Immediately upon the qualification of the commissioners of the City of Galveston to be appointed and elected as provided in this act, or as soon thereafter as practicable, it shall be their duty to make publication of the terms of this funding act; but the passage of this act shall be and is hereby deemed sufficient notice to the holders of the present bonds of the city of Galveston now outstanding.

The manner of exchange of refunding bonds, their date of issuance, rate of interest, maturity and all other details of the issuance of the new bonds is hereby left to the board of commissioners under such rules and regulations as a majority of them shall prescribe, not inconsistent with the provisions of this act.

The acceptance and consummation by any creditor of the exchange of bonds provided by this act shall of itself operate to assign and transfer to said municipal corporation, all his rights to, and claims against the uncollected taxes or other assets whatever, of said municipal corporation, including whatever funds there may be, either in bonds, money or other securities, held in either interest or sinking funds of the issue so exchanged or refunded, with the right in said municipal corporation to enforce the same either in his own name or in the name of the creditor; and the funds that may be realized therefrom are to be paid to the treasurer of said municipal corporation, and they are hereby devoted and appropriated to the payment of the present floating debt of the city of Galveston; and after that is paid to go in the general fund for any proper municipal purposes, so far as is not inconsistent with the terms of this act.

Said board of commissioners shall have the power and it is made their duty, from time to time, as they may determine, whenever as much as two thousand dollars shall have accumulated in the sinking fund of any of the proposed series of refunding bonds, to invest the same in bonds of any such series, in bonds of said city of Galveston, in bonds of the State of Texas, or in bonds of the United States, as may be deemed most advantageous by said board; provided, however, that when bonds of any particular series are purchased for the sinking fund of the same series, said bonds shall be canceled

and retired. It shall be the duty of said board of commissioners, upon the surrender of any evidence of indebtedness, for which a new bond is to be issued, under the provisions of this act, and before the said bond is delivered, to cancel the evidence of indebtedness so surrendered, with a punch or by witness across the face thereof, that it is canceled, so that it cannot be again used. All matured interest coupons shall be surrendered with the bonds, and no bond shall be received or refunded from which unmatured interest coupons are detached, unless such coupons are produced and surrendered with the bond.

Said board of commissioners shall also keep, or cause to be kept, for and on behalf of the city of Galveston, a complete bond registry and set of books, showing all bonds issued, the date and amount thereof, the rate of interest, maturity, etc., of all bonds or other indebtedness surrendered under the provisions of this act, and all the other transactions of such board having reference to the refunding of the indebtedness of said city. When bonds or their coupons are paid, their payment or cancellation shall be noted in said registry, and the said book so required shall be kept safely among the records of the said city of Galveston.

No other taxing power whatever, for any other purpose than is set forth in this act, shall be exercised by the board of commissioners of the city of Galveston under this act.

That for any violation of the trusts imposed upon the officers or agents of the city of Galveston employed under this act, the same consequences shall follow civilly and criminally, that result from any breach of trust or willful violation of duty imposed by law upon any of the officers of the State of Texas, charged with the discharge of like duties, and for a breach of trust or willful violation of duty in respect thereof, upon conviction, they shall be punished in like manner as is or may be provided by the penal laws of the State of Texas.

SEC. 68. The board of commissioners of said city of Galveston shall have the power and they are hereby authorized to appoint a board of engineers, to consist of three competent and skilled engineers, who shall devise and report to said board of commissioners plans and specifications, with esti-

mates of the cost, for elevating, filling and grading the avenues, streets, sidewalks, alleys and lots of the city of Galveston, so as to protect said city from overflow from the waters of the gulf and to secure sufficient elevation for drainage and sewerage. When the report of said board of engineers has been adopted by the board of commissioners, all filling, raising and grading in said city shall be done with reference to the grades thus established. The board of commissioners are authorized to spend out of the general revenue of the city a sum not to exceed ten thousand (10,000) dollars to pay the expenses of said board of engineers.

SEC. 69. The board of commissioners shall have the power and are authorized in addition to the powers granted by this act, to issue other bonds; also to issue, from time to time, bonds of the city of Galveston, in the denomination of one hundred (100) dollars or multiples thereof, to the amount of one million, five hundred thousand (1,500,000) dollars, payable not more than fifty years after their date, with the right of the city at any time to select by lot and redeem with the sinking fund any of them, and bearing interest, payable semi-annually, at the rate of not to exceed five (5) per cent per annum. Said bonds shall not be sold or otherwise disposed of at less than par, and their proceeds shall be used and expended for raising and filling to grade the avenues, streets, sidewalks, alleys and lots in the following localities in said city, viz:

First, that part of the city lying east of the west line of Thirteenth street and south of Market street; and, second, that part of the city lying west of Thirteenth street and south of the north line of Broadway, or such portions of said localities as may be designated by the board of commissioners upon the recommendation of the board of engineers provided for in the foregoing Section No. 68.

Said board of commissioners may also expend and use not to exceed one hundered thousand (100,000) dollars of the proceeds of said bonds in raising and filling to grade the streets and avenues in any locality in said city. All lots and blocks in the portions of the city above designated, that are below the grades that may be established for those localities,

are hereby declared to be dangerous to the health and safety of the inhabitants of said city and a public necessity exists for raising and filling the same to grade, and said board of commissioners shall have the power and are hereby authorized to cause the same to be raised and filled to grade and to pay for the same out of the proceeds of the bonds herein authorized to be issued.

SEC. 70. All moneys that may be donated or appropriated by the State of Texas to the city of Galveston shall be applied to and used for the purpose of paying the interest upon and providing a sinking fund of not less than two per cent per annum, for the redemption of the one million five hunded thousand (1,500,000) dollars of bonds the issuance of which is provided for in the preceding Section No. 69, and said board of commissioners shall have the power and are hereby authorized to levy and caused to be assessed and collected for the year 1902 and annually thereafter an ad valorem tax of not to exceed forty cents on the hundred dollars cash value of all real, personal and mixed property within the corporate limits of said city of Galveston, or that may be taxable therein on the first day of January of each and every year, except so much thereof as may be exempted by the Constitution and laws of this State or of the United States.

SEC. 71. In addition to the ad valorem tax provided for in Section 70 of this act, said board of commissioners may, except in so far as the same are otherwise disposed of by this act, also hypothecate and pledge the annual dividends and income that may be received by the city from its stock in the Galveston Wharf Company, or so much thereof as will, when added to the money received each year from the ad valorem tax provided for in said Section No. 70, be sufficient to pay the interest and sinking fund upon the bonds authorized to be issued under said Section No. 69 that are then outstanding.

SEC. 72. Each tax authorized under this act to be levied, assessed and collected for the purpose of paying the interest and sinking fund upon any bond issue under this act shall be, and the same is hereby, declared to be a trust fund for the purpose of paying the interest upon and providing a sinking fund for the redemption of the respective bonds for

which it was levied; and when collected the money therefrom shall never be diverted from the purpose for which it was levied, nor used for any other purpose. Any dividend or income that may be pledged to secure the interest and sinking fund upon any of the bonds authorized to be issued under this act shall also be, and is hereby, declared to be a trust fund, and shall never be used for any other purpose than that for which the same may be hypothecated or pledged.

SEC. 73. The president of said board of commissioners shall cause to be prepared and make stated financial reports at least as often as once every six (6) months to the Comptroller of the State of Texas, in accordance with forms and methods to be prescribed by said Comptroller. All such reports shall be certified as to their correctness by the auditor of said city. Such reports shall be printed as a part of the public documents of the State and be submitted by the Comptroller of the State to the Legislature at each regular session next succeeding the making of such reports. Such reports shall contain an accurate statement in summarized form, and also in detail, of the financial receipts of the city from all sources, and of the expenditures of the city for all purposes, together with a statement in detail of the debt of said city at the date of said report, and of the purposes for which said debt has been incurred, as well as such other information as may be required by said Comptroller of the State. Said Comptroller of the State shall have power, and it is also made his duty, by himself or by some competent person or persons appointed by him, to examine into the affairs of the financial department of said city; on every such examination, inquiry shall be made as to the financial condition and resources of the city, and whether the requirements of the Constitution and laws have been complied with and into the methods and accuracy of the accounts of the said city, and as to such other matters as the said Comptroller may prescribe. The Comptroller of the State and every such examiner appointed by him shall have power to administer an oath to any person whose testimony may be required on any such examination, and to compel the apperance and attendance of any such person for the purpose of any such

examination and the production of books and papers. A report of each such examination shall be made and shall be a matter of public record in the office of said Comptroller.

SEC. 74. That the said board of commissioners shall, in every case, before entering into any contract involving the expenditure of more than five hundred (500) dollars, advertise daily, for one week or more, in the official newspaper of said city, to be designated as provided in this act, for proposals for work to be done, or materials to be furnished, and shall open all bids on the day named in the advertisements, or as soon thereafter as practicable, in the presence of not less than three (3) members of said board, and shall enter such bids with the names of the bidders, in a book to be kept for that purpose, which book shall at all times be open for the inspection of citizens, and every bid shall remain at least one day open for discussion before any contract shall be awarded upon it, and after that time the award shall be made, if at all, to the lowest responsible bidder, who shall in all cases be required to give ample bond and security for its performance, the bond and security to be approved by the members of said board, or a majority thereof. No contract shall be made which does not receive the assent of a majority of all said board; and all such contracts involving an expenditure of said sum shall be in writing, and shall be executed by the president and secretary of said board, and shall also be executed by the other contracting party, and shall be recorded in full in a well-bound book to be kept for that purpose, open to the inspection of citizens at all times. The commissioner designated as the head of each department shall in every case involving an expenditure of over five hundred (500) dollars, before any advertisement be made for proposals, submit to the said board a statement in writing, with an estimate by him of the cost of the proposed work to be done, or materials to be furnished, and unless the same receive the sanction of at least three members of said board it shall not be advertised, nor undertaken; said written sanction to be endorsed on the statement with the estimate made by said commissioner, and to be kept on file in the office of said board. It shall be a felony for any member of

said board to become interested, directly or indirectly, nearly or remotely, in any contract of any kind made in behalf of said city, and upon conviction the guilty party shall be punished as provided by Article 266 of the Penal Code of the State of Texas, governing such matters; provided, however, that nothing in this section shall be construed to prohibit said board from having work done by day labor, or materials purchased under such rules and regulations as said board may by ordinance prescribe.

SEC. 75. That no person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Galveston, in any action or proceeding in which said city may be a party interested; and all officers and employes of said city shall be exempt from jury service while holding office or in the employ of said city.

SEC. 76. At the end of each fiscal year if an amount should have accrued from taxation, or revenue received from dividends on stock or surplus receipts, or earnings from any source, which are now or will be hereafter pledged to be applied to the interest and sinking funds for the protection of all classes of outstanding bonds, or bonds to be hereafter issued, should exceed two per cent for sinking fund, then and in that event the surplus, if any, over and above said two per cent sinking fund, can be used for the purpose of making general improvements, or otherwise, as the commissioners may determine.

SEC. 77. All ordinances of the city, when printed and published by authority of the board of commissioners, shall be admitted and received in evidence in all courts and places without any further proof whatever, and all ordinances thus printed in book or pamphlet form shall be presumed to have been printed by authority of the said board, and shall be prima facie evidence of that fact. Certified copies of ordinances shall also be received in evidence. All ordinances, resolutions, rules and regulations now in force in the city of Galveston and not in conflict with the provisions of this act, shall remain in force under this act until altered, amended or repealed by said board, after this act takes effect.

SEC. 78. There is hereby created and established in said city of Galveston a court to be known as the recorder's court in such city, which shall have the jurisdiction and organization hereinafter prescribed.

SEC. 79. Said court shall have jurisdiction within the territorial limits of said city in all criminal cases arising under this act or under the ordinances of the board of commissioners made in pursuance of this act, and shall also have jurisdiction, concurrently, with any justice of the peace in any precinct in which said city is situated, in all original cases arising under the criminal laws of this State in which the punishment is by fine only, and where the maximum of such fine may not exceed two hundred (200) dollars, and arising within the territorial limits of said city. Such court shall be known as the recorder's court of the city of Galveston.

SEC. 80. Such court shall be presided over by a judge, to be known as the recorder of such court, who shall be elected by the board of commissioners of said city as soon as practicable after their organization, and who shall hold his office for two years after his election and until his successor shall be elected and shall qualify. The secretary of the board of commissioners shall be ex-officio clerk of such court. The clerk of said court shall hold his office as clerk of said court during his term as secretary of such board of commissioners, and until his successor as secretary of said board is elected and qualified. It shall be the duty of such clerk to keep a minute of the proceedings of the said court; to issue all process, and generally to do and perform all of the duties of a clerk of a court as prescribed by law for the clerk of the county court, in so far as the said provisions may be applicable. The judge of said court shall receive such annual salary, to be paid monthly out of the treasury of said city, as may be fixed by said board of commissioners, not exceeding the annual sum of six hundred (600) dollars.

In case of vacancy in the office of recorder or clerk of such court, the same shall be filled by the board of commissioners, sitting as a board, for the unexpired term only.

SEC. 81. All rules of pleading, practice and procedure now established for the county court shall apply in said recorder's court, in so far as the same are applicable, except that the proceedings in said court shall be commenced by complaint, in the manner and under the regulations as now prescribed by law in cases prosecuted before justices of the peace, and except that the recorder need not charge the jury except upon charges requested in writing by the defendant or his attorney, which such charges he shall have power to give or refuse, under the same rules and regulations now applicable to the granting or refusing of such charges by the county judge in criminal cases. That complaints before such court, hereby created and established, may be sworn to before the recorder, the clerk of said court, or the attorney for said board, each and every one of which officers, for that purpose, shall have power to administer oaths.

SEC. 82. The said recorder's court of said city shall have a seal, to be supplied by the board of commissioners, having engraved thereon a star of five points in the center, and the words "Recorder's Court for the City of Galveston, Texas," the impress of which seal shall be attached to all proceedings, except subpoenas, issued out of said court, and shall be used to authenticate the official acts of the clerk and the recorder, where he is authorized or required to use the seal of office.

SEC. 83. That all prosecutions in said court, whether under this act or under the provisions of the Penal Code, or under an ordinance of the board of commissioners, shall be commenced in the name of the State of Texas, and shall conclude "against the peace and dignity of the State," and where the offense is covered by an ordinance of the board of commissioners of said city, the complaint may also conclude, "as contrary to the said ordinances," and all prosecutions in such court shall be conducted by the attorney for said board of commissioners; provided, however, that the county attorney of Galveston county shall represent the State of Texas in any prosecution in said court arising under the Penal Code, and in all such cases the said county attorney shall be entitled to receive such fees, or other compensation, for said

services as are or may be allowed by law in case of prosecutions before a justice of the peace; and in no case shall the said county attorney have the power to dismiss any prosecution pending in said court, unless for reasons filed and approved by the recorder of said court.

SEC. 84. That the board of commissioners shall, from time to time, by ordinance, prescribe such rules, not inconsistent with the provisions of this act nor the laws of this State, as in the discretion of said board of commissioners may be proper, to enforce, by execution against the property of the defendant, or by imprisonment of the defendant's person, the collection of all costs and fines imposed by such recorder's court, and shall also have power to adopt such rules and regulations concerning the practice and procedure in such court as said board of commissioners may deem proper, not inconsistent with the provisions of this act, nor with any other law of this State; and until the passage of such ordinance all rules and regulations of the city of Galveston now in force concerning the municipal court therein, and the enforcement of the collection of the fines and costs imposed by such court, shall apply to the court hereby created and established for said city of Galveston so far as the same may be applicable.

SEC. 85. That all costs and fines imposed by the said recorder's court in any prosecution therein, shall be paid, when collected, into the treasury of said city, for the use and benefit of said city; provided, however, that all costs and fines imposed by said court in any prosecution therein under the Penal Code of the State shall be disposed of as directed by law in like cases in a justice's court.

SEC. 86. That there shall be taxed against and collected of each defendant, in case of his conviction before such recorder's court, such costs as may be provided for by the ordinance of the said board of commissioners for said city; but in no case shall the board of commissioners prescribe the collection of greater costs than is prescribed by law to be collected of defendants convicted before justices of the peace.

SEC. 87. That the provisions of the Code of Criminal Procedure now in force, regulating the amount and collection of jury and witness fees and for enforcing the attendance of witnesses in criminal cases tried before a justice of the peace shall, so far as applicable, govern and be applicable to the trial of cases before the recorder's court created and established by this act.

SEC. 88. That the judge of said recorder's court shall have the power to punish for contempt to the same extent and under the same circumstances as the county judge may punish for contempt of the county court. He shall have power to take recognizances, admit to bail and forfeit recognizances and bail bonds under such rules and regulations as now govern the taking and forfeiture of the same in the county court.

SEC. 89. That all process issuing out of said recorder's court shall be served by the chief of police or any policeman of the city, under the same rules and regulations as are now provided by law for the service by sheriffs and constables of process issuing out of the county court, so far as the same are applicable. Such recorder's court shall hold no terms, but shall be deemed at all times open for the transaction of business, but each defendant shall be entitled to at least one day's notice of any complaint against him, if such time be demanded.

SEC. 90. In all cases begun in such recorder's court and thence appealed, the fines imposed on appeal, together with the costs imposed in the recorder's court and in the court to which appeal is taken, shall be collected of the defendant and his bondsmen, and such fine and the cost of recorder's court shall, when collected, be paid into the treasury of the city of Galveston for the use and benefit of said city. When the defendant in such cases is committed to custody he shall be committed to the custody of the chief of police of said city, to be held by him in accordance with the ordinance of the city providing for the custody of prisoners convicted before such recorder's court, and said city shall be liable to the officers of the court to which the appeal is taken for the costs due them when such defendant has fully discharged such fine and costs.

SEC. 91. Appeals from judgments rendered by such recorder's court shall be from such recorder's court to the criminal district court of Galveston county, and in all such appeals to such criminal district court the trial shall be de novo, the same as if the prosecution had been originally commenced in that court. Said appeals shall be governed by the rules of practice and procedure for appeals from justice's courts to the county court, as far as the same may be applicable.

SEC. 92. That until the due and legal organization of said recorder's court in said city as herein provided for, the corporation court, or other municipal court of the city, as now established, shall continue to exercise its powers and jurisdictions; that, upon the due and legal organization of said recorder's court for said city, the said corporation court, or other municipal court, and the offices of the judge and clerk thereof, shall be, and the same are hereby, abolished, and the said corporation court, or other municipal court, shall be entirely superseded in said city by the recorder's court, and such offices as are herein created and established.

SEC. 93. That an act entitled: "An Act to incorporate the city of Galveston and grant it a new charter," passed on the 2nd day of August, 1876, and all other acts relative to the incorporation of the city of Galveston, as well as all amendments to the charter of said city, be and the same are hereby repealed. Excepting, however, all legal ordinances, resolutions or acts heretofore passed by the city council of Galveston and any provisions of said charter of 1876, and amendments and acts relating thereto providing for the issuance and payment of either principal or interest of outstanding legal unpaid bonds of the city of Galveston. Provided, that the rate of taxation hereafter fixed in any ordinance providing for the issuance of refunding bonds, shall not exceed the rate levied in the ordinance under which the bonds to be refunded were issued; provided further, that nothing in this act shall be taken or construed to impare the obligations of outstanding legal contracts of the city of Galveston.

SEC. 94. This act shall be taken and held to be a public law and all courts and tribunals shall take judicial cognizance

and knowledge of the contents and provisions hereof, and it shall not be necessary to plead or prove such contents or provisions.

SEC. 95. Whereas the inhabitants of the territory within the limits of the "City of Galveston" have suffered a great public calamity through the storm of September 8, 1900, and there exists a necessity for immediate action by the Legislature for their relief; therefore an emergency and imperative public necessity exists requiring that the constitutional rule requiring bills to be read on three several days, be suspended, and said rule is so suspended and this act shall take effect and be in force from and after its passage, and it is so enacted; provided, that the commissioners appointed and elected, respectively under this act, shall not qualify before the first Monday in June, 1901.

[Note.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by two-thirds vote, ayes 28, nays 0.]

Approved April 18, 1901.

Takes effect 90 days after adjournment.

INDEX TO CHARTER.

	Section.
Acting President—	
Appointment of	15
Powers and duties	15
Salary of	15
Assessor and Collector—	
Election	19a
Assessment, duties	19e
Duties, general	19e
Bond, Salary	19e
Duties in certain cases	58
Unrendered roll	19e
Payments daily	19e
Board of equalization, duties	19e
School tax, collection of	19e
Oaths, shall require and administer	19e
Payment of funds, duties	19b
Reports, shall make monthly	19e
Poll tax, shall collect	54
Seizure and sale for taxes	58
Bankrupts and insolvents, duties	58
Notice to taxpayers, not necessary	50
Attorney—	
Election and duties	19f
Bond	19f
Salary and commissions	19f
Legal advice	19f
Ordinances, shall prepare	19f
Contracts, shall prepare	19f
Sessions, shall attend	26
Accounts—	
Approval of	13
Attorney, County—	
Duties of Recorder's Court	83
Fees in Recorder's Court	83

	Sec.
AUDITOR—	
Election, duties, salary	19g
Bond and approval	19g
Warrants, shall countersign	19g
Sessions, shall attend	26
BANKS OF DEPOSIT—	
Selected, how	19d
Bonds, duties, interest	19d
BANKRUPTS AND INSOLVENTS—	
Taxes, collection of	58
Liens for Taxes	58
Seizure and sale, taxes	58
BOARD OF COMMISSIONERS, DUTIES—	
How constituted	5
President of	5
Qualifications of	5
Term of office	5
Removal of	9
Successors of	6
Directors in corporations	6
Name of	7
Oath of office	7–(8)
Salaries of	7
Acting President of	15
Apportionment of Revenue	14
Board of Engineers, appointment	68
Bonds, issue of	67
Bonds, filling and grading	69
Budget, estimates, penalties	44
Contracts, how made	74
Contempts, punishment of	11
Discussion, privilege of	26
Employees, discharge of	12
Employees, appointment of	12
Financial statement, publication	13
Funds, sinking, penalties	67
Levy of special tax	67
Meetings of	16
Officers, appointment of	8
Officers, removal of	32
Officers, suspension and discharge	8
Ordinances and laws, powers	17
Quorum	16
Resignation of	10
Vacancies, how filled	10
Engineer, employment of	68

BOARD OF COMMISSIONERS, POWERS—	SEC.
Abusive language	34-(5)
Animals, abuse of	34-(5)
Animals running at large	34-(30)
Animals, driving in streets	35
Bathing and swimming	40
Beggars, regulating	34-(6)
Births, records to be kept	34-(31)
Buildings, public	34-(22)
Buildings, regulating	34-(9)
Buildings in fire limits	34-(11)
Buildings, dangerous	34-(9)
Burial of the dead	34-(31)
Bridges, culverts	34-(34)
Butchers, regulating	34-(5)
Carcasses, dead, regulating	36
Chimneys, flues, regulating	34-(12)
Cleaning yards, sidewalks regulating	34-(11)
Compromise of taxes, judgments	63
Dead carcasses, concerning	36
Deaths, record	34-(31)
Donations, acceptance of	34-(25)
Digging in streets	34-(18)
Disorderly houses	34-(10)
Disorderly assembly	34-(36)
Dogs, regulating	34-(30)
Donations, state, how expended	70
Exemption from taxes	53
Exemption from execution, attachment	50
Exemption from garnishment	50
Employees, appointment, discharge	12
Fastening horses	34-(5)
Fire limits, may establish	34-(9)-(11)
Fireworks, regulate may	34-(14)
Fish and fresh meats, inspection	34-(21)
Firecrackers	34-(37)
Filthy foods, regulating	36
Fighting, abusive language	38
Gaming houses, punishing	34-(10)
Gun powder, regulate storing	34-(14)
Grounds, public, may improve, regulate	34-(27)
Gas pipes, regulate	34-(2)
Harbor, preservation	34-(27)
Harbor master, duties	34-(15)
House of ill fame	34-(10)
Hide houses, regulation	34-(16)
Inspection, fish, meats	34-(35)

BOARD OF COMMISSIONERS, DUTIES—*Continued.*	SEC.
Inspector of buildings, duties	19
Junk shops, dealers, regulating	62
Lighting streets	34-(2)
Lien of tenant for sewer improvements	34-(10)
Locomotive engines, may regulate or prohibit	34-(16)
Licenses, assignment of	34-(29)
Library, public, free	43
Markets and market houses, regulate	34-(35)
Marriages, registration	34-(31)
Meats, fish, inspection	34-(4)
Misdemeanors, State, shall prosecute	34-(7)
Mendicants, beggars, suppress	34-(6)
Misdemeanors, all kinds	38
Newspapers, printing	42
Noises, suppressing	34-(37)
Nuisances, sanitation	34-(14)
Opening streets and closing	34-(24)
Occupation taxes, may levy	62
Pawn brokers, license and regulate	62
Plumbers and plumbing	34-(13)
Prisoners, work on streets	34-(32)
Paupers, regulating, introduction	34-(10)
Pounds, establish and regulate	34-(30)
Prize fighting, regulate	39
Prostitutes, may suppress	34-(6)
Public grounds, parks	34-(27)
Quarantine, may establish and regulate	34
Railroad tracks, crossings, duties	34-(16)
Railroad tracks, removal of	41
Riots and disturbances, suppression	34-(36)
Streets, alleys and highways	34-(1)
Sanitation, concerning	34-(8)-(11)
Sewerage connections, regulating	34-(8)
Slaughter houses, regulating	34-(15)
Street cars, regulating	34-(17)
Streets, alleys and public grounds	34-(23)
Special funds, regulating	34-(26)
Special funds, misapplication	34-(26)
Sidewalks, regulating	34-(26)
Shade trees, planting	34-(27)
Tramps, regulating	34-(6)
Transient vendors, regulating	62
Vessels, regulating speed	34-(15)
BOARD OF EQUALIZATION—	
How selected	19e
Duties and length of session	19e

	Sec.
Bond Registry—	
Shall be kept	67
Payments recorded	67
Cancellation of bonds	67
Set of books to be kept	67
Rate of interest, record of	67
Bonds, Notes and Scrip—	
Regulating issuance of	50
Bonds, Debt—	
Power to issue	67
For redemption	67
Taxes, special	67
Separate funds	67
Signed how	67
Must be registered	67
Sinking fund	67
Publication of this act	67
Bonds, Filling and Grading—	
May issue amount	69
Expended how	69
Territory in which	69
Regulations	69
Bonds, Costs and Appeal—	
Not required	28
Bonds, Official—	
Board shall require	21
New bonds	21
Payable to whom	27
Form and sureties	27
Borrowing Money—	
Rules concerning	44
Limit of Amount	44
Pledge of taxes as security	44
Breakwaters—	
Use of streets and grounds	48
Condemnation of land for	48
Budget—	
Estimates to be made	44
Reserve fund	44
Penalties for voting	44
Increase prohibited	44

	Sec.
BUILDINGS—	
Regulating construction	34–(9)
Removal of	34–(11)
CHIEF OF POLICE—	
Appointment of	19a
Duties and powers	20
Salary and bond	20
Search warrants, may execute	20
Process, shall execute	20
Bail, may take	20
Barrooms, Theatres, may close	20
Suspension of members	20
Report of suspensions	20
Charges, trial of	20
Trial of Chief	20
Discussion, privilege of	26
Session, shall attend	26
CHIEF OF FIRE DEPARTMENT—	
Appointment of	19a
Duties and Powers	20
Salary and bond	20
Charges, trial of	20
CITY LIMITS—	
Territory embraced in	2
CITY OF GALVESTON—	
Enacting clause	1
Powers, duties, obligations	1
CITY PROPERTY—	
Schedule of	4
COMMISSIONER—	
Appointment and election	5
Qualification and terms of office	5
Successors of	6
Name of	7
Oaths and salaries	7
Bonds and additional oath	8
Removal of	9
Vacancies, how created	10
Vacancies, how filled	10
Department, designated how	12
Powers and jurisdiction	12
Audit and accounts	13
Assessment and collection	13

	Sec.
COMMISSIONER OF FINANCE AND REVENUE—	
Designated how	12
Duties, powers, jurisdiction	12
Audit of accounts	13
Assessment and collection	13
COMMISSIONER OF STREETS AND PUBLIC IMPROVEMENTS—	
Designated how	12
Duties, powers, jurisdiction	12
Supervision of public improvements	12
Audit accounts	13
COMMISSIONERS, PRESIDENT OF	
Appointment of	5
Salary	7
Oath of office	7–(8)
Time devoted to duty	7
Bond	8
Voting, right of	11
Executive officer	13
Suppression of riots	14
Protection of life	14
Special police, shall summon	14
Absence or disability	15
Financial report	73
COMPTROLLER, STATE—	
Duties as to financial condition	73
Oaths, shall administer	73
Witnesses, shall summon	73
Report of, public	73
CONTEMPTS—	
Power to punish	11
Recorder, power to punish	88
CHARTER—	
Enacting clause	1
Public law	94
Repealing clause	93
CONTRACTS—	
Rules for making and advertising for bids	74
By majority of whole Board	74
Commissioner not to be interested	74
Writing shall be in	74
Executed, by whom	74
Recorded in book	74
Limitations	50

	Sec.
CORPORATIONS—	
Directors in	6
COUNTY COMMISSIONERS—	
Election, shall order	5
DAMAGES—	
Suits for, limitation on	47
DEBT—	
May borrow, limited	44
Bonds, limitation	50
Funds, limitation	50
Contract for payment of	50
DISCUSSION—	
Privilege of	26
DISTRICT ATTORNEY—	
Duties of	31
DONATIONS, STATE—	
How expended	70
EMPLOYEES—	
Appointment and discharge of	12
Members may be reduced	29
Jury service, exempt from	75
Exemptions, other	75
ENGINEER, CITY—	
Election	19a
Qualifications	19i
Duties	19i
Laborers, shall employ	19i
Laborers shall discharge	19i
Salary and fees	19i
Shall attend sessions	26
Survey of private property	19i
Monuments, shall establish	19i
Street work, shall supervise	19i
Contracts, shall supervise	19i
Railway construction, shall supervise	19i
EXEMPTIONS—	
Attachment, execution and garnishment	50
Taxes	53
Jury service	75

FEES— SEC.
Limitation of 24

FINANCIAL STATEMENT—
Publication of 15

FILLING AND GRADING—
Bonds for. 69
Rate of interest 69
Territory to be filled 69
Donations, State 70
Wharf dividends 71
Board of Engineers 68

FIRE LIMITS—
May establish . . . . . 34-(9)

FISCAL YEAR—
Shall begin, when 44

FIRE DEPARTMENT—
Organization of 20
Powers and duties 20
Chief of, duties and salary 20

FRANCHISES—
Limitation of 45
Advertisement of 45
Heretofore granted 45
Reservation of rights 45
Forfeitures 45

FUNDS—
Surplus, how used 76
Misapplication of special . . . . . 34-(26)
Penalties therefor . . . . . 34-(26)
Trust funds, taxes 72
Misapplication of 31

GALVESTON WHARF COMPANY—
May pledge dividends of 71
Directors in 6

HARBOR MASTER—
Election of 19a
Duties of 191
Salary and bond 191
Ships, shall station 191

	Sec.
HARBOR MASTER—*Continued.*	
Rules, shall enforce	191
Nuisances, shall prevent	191
Vessels, loading and unloading	191
HEALTH PHYSICIAN—	
Election of	19a
Qualification, duties	19h
Salary	19h
Bond and approval	19h
Quarantine regulations	19h
Abate nuisances	19h
Duties other, shall perform	19h
HOSPITAL, JOHN SEALY AND BOARD—	
Board selected, how	33
Duties and powers	33
Officers and employees	33
Rules and regulations, shall make	33
Salaries and compensation	33
Limit of expenses	33
Visiting register	33
Patients register	33
Oaths of office	33
INHABITANTS—	
Judge, jury, witness, competency of	75
INSPECTOR OF BUILDINGS—	
Election	19a
Qualifications	19k
Duties	19k
JUDGMENTS—	
Old, to remain in force	75
LEGISLATIVE SESSIONS—	
Open to the public	13
Meetings of	16
Special meetings	16
Quorum of	16
What officers shall attend	26
Privilege of discussion	26
MARKET AND MARKET HOUSES—	
Establishment and regulations	35
Inspection	35

MUNICIPAL GOVERNMENT OF GALVESTON— SEC.
What constitutes 5
Successors to 6

OFFICERS—
Election of 19a
Term of office 19a
Duration of office 25
Misapplication of funds 31
Removal of 32
Trial on charges 32

ORDINANCES—
Enforce . . . . . 23-(77)
When printed and published 77
Certified copies, evidence 77
Board, shall make . . . . . 1-(17)
Penal, shall be published 17
Proof of publication 17
When to take effect 17
Style of 18

PERSONAL ESTATE—
Definition of 54

POLL TAXES—
May levy 54

POLICE DEPARTMENT—
Organization of 20
Officers of 20
Salaries and compensation 20
Charges, how tried 20

POLICE AND FIRE COMMISSIONER—
Designated, how 12
Powers and jurisdiction 12
Accounts, shall audit 13
Members of fire department, appointment 20
Appointments recommended 20
Jurisdiction to try charges 20
Oaths, may administer 20
Witnesses, attendance 20
Chief may appoint, when 20

POUNDS—
May establish 30

	Sec.
PRESIDENT—	
See Commissioners, President of	13
PRINTING—	
Contract for	42
Newspapers, contract with	42
Ordinances, publication of	42
PROPERTY, CITY—	
Schedule of	4
PUBLIC ACT—	
Public law	94
QUARANTINE—	
Laws, may make	34
QUORUM—	
What constitutes	16
RAILROADS, CITY—	
Regulation of	66
Taxation of	66
Speed, may regulate	66
Paving, expense of	66
Lien for paving	66
REAL ESTATE—	
Definition of	54
RECORDER'S COURT—	
Created and established	78–(83)
Jurisdiction	79
Name of court	79
Recorder, how elected	19a–(80)
Salary and duties	80
Procedure and practice	81
Seal of court	82
Costs and fines	85–(86)
Rules and Regulations	84
Jury and witness fees	87
Enforcing attendance	88
Recognizances	88
Contempts, may punish	88
Forfeiture of bail	88
Service of process	89
Appeals	90–(91)
Repealing act	93

	Sec.
RESERVE FUND—	
Emergency	44
Penalties	44
REVENUES AND EXPENDITURES—	
Statement of, to be published	13
SALARIES—	
Limitation of	24
Fixing of	44
SEAL, CORPORATE—	
May make and change	1
SECRETARY—	
Appointed, how	11
Salary	11
Attestation of process	11
Duties	11
Clerk of Recorder's Court	80
Duties of Recorder's Court	80
SEXTON—	
Election, duties, salary	19n
Registry of burial	19n
Fees and compensation	19n
Interment of all bodies	19n
SINKING FUND—	
Investment of	57
SCHOOL TAXES—	
Shall levy	65
Shall pay over	65
Payments, weekly	65
Collection of	64
SEWERS AND SEWERAGE—	
See waterworks and sewers	19m
STREETS AND ALLEYS—	
Burdens and uses	48
Breakwater	48
Condemnation of land	48
Opening of streets	49
Removal of buildings	49

TAXES AND TAXATION—
Ad valorem 54
Assessor and Collector, duties . . . . . 52–(54)
Assignments by debtor, taxes 58
Bankrupts, taxes . . . . . 58–(62)
Corporation shares 55
Compromise and reduction 63
Damage stocks 62
Delinquent taxes 54
Delinquent taxpayers 60
Exemption from 53
Intervention for taxes 61
Junk dealers 62
Limitation for general purposes 54
Occupation, limit of 62
Liens for taxes 56
Limitation, not to be pleaded 60
Merchandise lien 58
Mode of assessment 54
No demand necessary 59
Occupation and license 52
Occupation and license 54
Pawnbrokers 62
Personal property, defined 54
Poll tax 54
Power to levy ad valorem tax for bonds, limited 67
Real estate, defined 54
Railroads, city 66
Seizure and sale 58
Suits for taxes . . . . . 54–(60)
School taxes 64
Sufficiency of tax roll 57
Transient vendors 62
To pay bonds, interest and sinking fund 67
Trust funds 72
Vehicles 51
When due 59

TREASURER—
Election of 19a
Bond, amount of 19b
Approval of bond 19b
Duties 19b
Accounts, shall make monthly 19b
Receipts, duplicates 19b
New bonds 19c
Deposits, daily 19d
Banks of deposit 19e

TREASURER—*Continued.* SEC.
Interest collections, report of 19d
Salary 19d
Books, funds, etc. 30

VACANCIES—
How created 10
How filled . . . . . 10–(21)
Of commissioners . . . . . 10–(25)
Of other officers 25
Causes of 44
Recorder, clerk 80

VEHICLES—
License, tax and regulate 51
Defrauding 51
Revenues from 51
Runners for public houses, etc. 51

WARDS—
City divided into 3
May be changed 3

WHARF COMPANY—
City Directors in 6
Dividends, how expended 71

WEAPONS—
Carrying of concealed 28
Penalties 28

COMMISSIONER OF WATERWORKS AND SEWERAGE—
Designated, how 12
Duties, powers, jurisdiction 12
Audit accounts 13
Rules and regulations 46
Rates and tolls 46
Sewerage connections 46
Sewerage and waterworks 19m
Sewerage connections . . . . . 34–(8)–(10)

SUPERINTENDENT OF WATERWORKS—
Election of 19a
Salary 19m
Duties 19m
Inspection 19m
Labor, shall employ all 19m
Discharge of laborers 19m
Repairs 19m

REVISED ORDINANCES.

AN ORDINANCE

To Adopt and Establish the Revised Ordinances of the City of Galveston:

SECTION 1. Be it ordained by the Board of Commissioners of the City of Galveston, That the following Titles, Chapters, Articles, Sections and Subdivisions shall hereafter constitute

THE REVISED ORDINANCES OF THE CITY OF GALVESTON.

TITLE I.

Officers.

CHAPTER ONE.

CHARTER OFFICERS, BONDS, SALARIES, DUTIES, OATHS.

ARTICLE 1. There shall be appointed, by the board of commissioners, at the time and in the manner prescribed in Section 19 of the city charter, the following officers, towit: A treasurer; an attorney; a recorder; an assessor and collector of taxes; a chief of police; a chief of the fire department; an engineer, who shall be superintendent of streets; an auditor; a health physician; a harbor master; a sexton; a superintendent of the waterworks; an engineeer of the waterworks; and such other officers and agents as said board of commissioners shall direct. All said officers so elected shall hold their offices for two years, and until the election and qualification of their successors, unless removed by the said board of commissioners, under the authority vested in it by this act.

TREASURER.

ART. 2. The treasurer shall give bond in the sum of one hundred thousand dollars; his salary shall be twelve hundred

dollars per annum, payable in equal monthly installments, and his duties shall be such as are prescribed in the city charter, and such as may be prescribed by the board of commissioners.

ATTORNEY.

ART. 3. The attorney shall give bond in the sum of five thousand dollars; he shall receive an annual salary of twelve hundred dollars, and five per cent commissions on all collections made by him, but he shall receive commissions for the collection of taxes only in such suits as may be designated to be brought by the commissioner of finance and revenue, and only on the amount of such taxes collected after the institution of such suits.

AUDITOR.

ART. 4. The auditor shall give bond in the sum of ten thousand dollars; his salary shall be fifteen hundred dollars per annum, and his duties shall be such as are prescribed by the city charter, and such as may be prescribed by the board of commissioners.

ASSESSOR AND COLLECTOR.

ART. 5. The assessor and collector shall give bond in the sum of twenty-five thousand dollars; his salary shall be eighteen hundred dollars per annum; his duties shall be such as are prescribed by the city charter, and such as may be prescribed by the board of commissioners. Until hereafter otherwise ordained by the board of commissioners the manner, mode and forms prescribed by the laws of the State for the rendition of property for taxation; and for making out tax lists and inventories and the appraisement of property therein and prescribing how and when property shall be rendered for taxation and prescribing the number and forms of assessment rolls and fixing and defining the duties and powers of assessor and collector of taxes, and for the collection of taxes levied by the board of commissioners of the city of Galveston, shall conform as near as may be to that provided by law for the rendition and assessing of property for State and county purposes and for the collection of State and county taxes, and the assessor and collector of taxes shall be governed in

his procedure and acts in relation to assessing and collecting of said taxes, as is provided by the laws of the State of Texas relating to the assessment and collection of State and county taxes, except in so far as is by the charter of the city of Galveston otherwise expressly provided and required. It shall also be the duty of the assessor and collector to collect all moneys owing to the city and for the collection of which no other provision is made.

RECORDER.

ART. 6. The recorder shall give bond in the sum of one thousand dollars; his salary shall be six hundred dollars; and his jurisdiction, powers and duties shall be such as are prescribed by the city charter.

CHIEF OF POLICE.

ART. 7. The chief of police shall give bond in the sum of five thousand dollars; his salary shall be fifteen hundred dollars per annum, and his duties are such as are prescribed by the city charter, and such as may be prescribed by the board of commissioners and the ordinances of the city.

CHIEF OF FIRE DEPARTMENT.

ART. 8. The chief of the fire department shall give bond in the sum of five thousand dollars; his salary shall be fifteen hundred dollars per annum, and his duties shall be such as are prescribed by the city charter, and such as may be prescribed by the board of commissioners.

ENGINEER.

ART. 9. The engineer shall give bond in the sum of ten thousand dollars; his salary shall be twelve hundred dollars per annum, and such fees as may be prescribed by the board of commissioners for making surveys and fixing boundaries of private property, which fees shall be paid by the owners of such private property.

HEALTH PHYSICIAN.

ART. 10. The health physician shall give bond in the sum of five thousand dollars; his salary shall be one thousand

dollars per annum, payable in equal monthly installments; his duties shall be such as are prescribed by the city charter, and such as may be prescribed by the board of commissioners.

HARBOR MASTER.

ART. 11. The harbor master shall give bond in the sum of five thousand dollars; his salary shall be one thousand dollars per annum; his duties shall be such as are prescribed by the board of commissioners and by the provisions of the city charter.

SEXTON.

ART. 12. The sexton shall give bond in the sum of twenty-five hundred dollars; his salary shall be one thousand dollars per annum, and such fees as may be allowed by ordinance; his duties shall be such as are prescribed by the city charter, and such other duties as may be required of him by the board of commissioners.

SUPERINTENDENT OF WATERWORKS.

ART. 13. The superintendent of waterworks shall give bond in the sum of five thousand dollars; his salary shall be twelve hundred dollars per annum; his duties and powers are such as are prescribed by the city charter, and such as may be prescribed by the board of commissioners.

ENGINEER OF WATERWORKS.

ART. 14. The engineer of waterworks shall give bond in the sum of three thousand dollars; his salary shall be twelve hundred dollars, payable in equal monthly installments, and his duties shall be such as may be prescribed by the board of commissioners by ordinance or resolution.

SECRETARY.

ART. 15. The secretary shall give bond in the sum of twenty-five hundred dollars; his salary shall be twelve hundred dollars per annum; his duties shall be such as are prescribed in the city charter, and such as may be prescribed by the board of commissioners.

OFFICERS CREATED.—BONDS.

ART. 16. For the more efficient administration of the affairs of the city the following officers are hereby created, towit; each of whom shall give bond in the sum set opposite their names:

Chief inspector of health department; bond, $1000.

Janitor of city hall and offices; bond, $500.

Assistant assessor and collector of taxes; bond, $5000.

Secretary of waterworks and sewers; bond, $10,000.

Assistant secretary of waterworks and sewers; bond, $2000.

Three port wardens, each to give a bond of $1000.

Two assistant secretaries of board of commissioners, each to give a bond of $1500.

Night engineer of waterworks; bond, $2000.

Librarian, one; bond, $1000.

Superintendent of drays; bond, $500.

Police officer in assessor and collector's office; bond, $1500.

Every other policeman and every fireman; bond, $500.

APPROVAL OF BONDS.

ART. 17. That except where otherwise provided by law, all bonds given by the various officers and employes of the city shall be conditioned for the faithful performance of the duties of their respective offices and employments, and shall be approved by the president of the board of commissioners and the commissioner of finance and revenue, and if such officer or employe be in any department in charge of a particular commissioner, then his bond shall also be approved by such commissioner.

COMMISSIONS.

ART. 18. That commissions in suitable form, signed by the president of the board and attested by the secretary under the corporate seal of the city shall as soon as practicable after their appointment be issued to all officers of the city except members of the board of commissioners, but all official acts of such officers done or performed after taking oath and giving bond as prescribed for their qualification, shall be valid and lawful as well before as after the issuance of such commissions.

CHAPTER II.

MISCELLANEOUS PROVISIONS.

ART. 19. That each and every officer of the city of Galveston shall discharge the duties indicated by his title and such other duties as may be more specifically required of him by the board of commissioners or under its authority, and until otherwise ordered by the board, all ordinances and regulations heretofore in force defining and regulating the duties of officers bearing the same or similar titles to those created by the present charter or by the board of commissioners shall remain in force as prescribing the duties of such officers as have been appointed by the board of commissioners, except in so far as such ordinances or regulations may have been or shall be modified, changed or repealed by the charter or by act of the board of commissioners.

ART. 20. That all offices heretofore created or existing under the former charter and ordinances of the city of Galveston and which are not provided for in the present charter or which have not been created by the board of commissioners of the city of Galveston be and the same are hereby abolished and the resolution to that effect adopted by the board of commissioners on Oct. 1st, 1901, is hereby adopted, ratified and confirmed.

ART. 21. That the action heretofore taken by this board creating or filling any of the offices named in this ordinance, as also in prescribing the bonds of officers and how they shall be approved whether such action be by resolution or other order of the board be and the same is hereby ratified, adopted and approved as of the date when such action was taken.

ART. 22. Whenever in the course of the administration of the affairs of the city by this board it is necessary or proper that any act or duty should be done which, under the former administration was by law or ordinance required to be done by the mayor of the city, the same may be done by the president of the board of commissioners, unless by law or by order of the board of commissioners it has been or shall be

otherwise provided, and that this ordinance take effect and be in force from and after its passage.

ART. 23. Every person elected or appointed to any office under the city charter or city ordinances shall, before he enters on the duties of his office, take and subscribe the official oath prescribed in the Constitution of the State, together with such additional oath as may be or has been prescribed by the city charter or the board.

ART. 24. If any person shall fail to qualify within five days after they shall have been notified of their election or appointment by the secretary, their offices shall become vacant, except in cases of sickness, unavoidable accident or special action of the board.

ART. 25. That each officer of the city shall prepare a full and exact inventory and list of all the effects, furniture, records, books, archives, papers and other property belonging to his office or department and owned by the city, and at the close of his term of office he shall deliver same into the possession of his successor, taking his receipt therefor in duplicate, one of which he shall deliver to the secretary, which shall be filed and kept in his office.

ART. 26. That the president is authorized to grant a leave of absence to any officer of the city for a term not exceeding five days; but no officer shall absent himself from duty, at any time, for a term exceeding five days, without the consent of the board.

ART. 27. That this ordinance shall apply to the following officers, towit: The auditor, assessor, secretary, collector, chief of police, chief engineer of the fire department, assistant engineer of the fire department, engineer, harbor master, health physician, and sexton, and such other officers as may be created by the board.

ART. 28. Officers may grant a leave of absence to any subordinate or employe in their respective departments for a term not exceeding five days; but no subordinate or employe shall absent himself from duty, at any time, for a term exceeding five days, without the consent of the board.

ART. 29. No leave of absence shall be granted to any such officer, subordinate or employe, unless he shall have provided

a substitute to fill his place and perform the duties of his office during his absence.

ART. 30. Any such officer, subordinate or employe who shall absent himself from duty without the consent of the president or the board, as provided by this ordinance, shall be liable to removal by the board.

CHAPTER THREE.

COMMISSIONERS' DUTIES.

ART. 31. It shall be the duty of each commissioner to formulate all rules and regulations, necessary or expedient in his judgment to be observed by the officers and employes in his department, and such rules, when approved and adopted by the board of commissioners, shall be printed for information of and observance by all persons concerned.

TITLE II.

Cemeteries.

CHAPTER ONE.

SEXTON, RULES AND REGULATIONS.

ART. 32. There shall be appointed at the time and in the manner provided in Section 19 of the city charter, a city sexton, whose duties shall be as herein prescribed.

ART. 33. The block of ground bounded by Fortieth street on the east, Broadway on the north, Forty-third street on the west and Avenue L on the south shall constitute the city cemetery.

ART. 34. The place purchased by the city as a site for a cemetery, being seven and one-half acres off the north end of lot twenty-two (22) section one of Galveston island, is hereby established as a place for the burial of the dead, for the city of Galveston, and shall be designated as Lake View city cemetery.

ART. 35. Lake View city cemetery shall be laid off into streets, alleys and lots by the city engineer. The size of a full lot shall be twenty feet square, which full lots may be sold in quarters. The price of a full lot shall be twenty-five dollars, and of a quarter lot eight dollars. Lots for the burial of strangers, or others not buried by the city or county, may be sold for two dollars per grave.

ART. 36. The city engineer shall survey said grounds, and shall make a map thereof, of a size not exceeding twenty feet to the inch, on durable paper, and neatly and artistically drawn, designating in some appropriate part some portion as burying ground for paupers, buried by the county or city, and another for strangers, and numbering the lots from the south central entrance to the north, consecutively, as ranges east and west from the central street, one, two, three, etc.; and the quarter block shall be designated northeast, northwest, southeast and southwest quarter, which map, when completed, shall be framed and suspended in the office of the city secretary, and a copy thereof filed in the office of the recorder of deeds.

ART. 37. The said map being executed and adopted, the lots shall be open to purchase, and the person selecting a lot or quarter lot, or one or more lots for a congregation, shall point the same out to the city secretary, who shall note the same on the map, with the date and name, and give the applicant a certificate of selection. The applicant shall present said certificate to the city collector, who shall receive the price of the lot or lots, and endorse his receipt on said certificate, which shall be returned to the secretary and filed in his office.

ART. 38. The president shall cause to be printed and bound substantially, blank deeds for lots in the cemetery, describing the lots as lot No. ——, in range No. —— (east or west, as the case may be), and on the return of the certificate of selection, with the receipt of the collector endorsed, the secretary shall fill up one of the blank deeds with the name of the purchaser, number of range and lot, or quarter lot, and date, and the president and purchaser shall sign said deed, and their signatures shall be attested by the secretary, who

thereupon shall deliver to the purchaser a certificate of purchase, describing the lot as in the deed, and the certificate of purchase shall bear the number of the page of the deed book. The said book shall be indexed alphabetically, with the names of all purchasers of lots, and the page of the deed, and shall remain as record of the city, in the custody of the secretary; and for each certificate of purchase completed the secretary shall receive one dollar, to be paid by the purchaser.

ART. 39. All lots and vacant pieces of ground owned by the city in the city cemetery may be sold at such prices as may be recommended by the committee on cemeteries, and the president is authorized to make title to the same in accordance with the rules herein prescribed for the sale of lots in Lake View city cemetery.

ART. 40. The proceeds of lots sold shall, as received by the treasurer, be credited to the cemetery fund, and shall be subject to draft only for cemetery purposes, and to reimburse the city for the amount paid for the grounds.

ART. 41. The city sexton shall receive for his services the sum of one thousand dollars per annum, to be paid monthly, as other city officers are now paid, and it shall be his duty to exercise a general superintendence of all cemeteries in the city of Galveston, as well as all cemeteries belonging to the city of Galveston. He shall keep a book of registry of all burials, as provided for in article 15, Revised Ordinances, in which shall be entered the "date or burial," "name of deceased," "nativity," "age," "cause of death," "place of burial," "number of lot," and "number of grave in lot," (provided that when the burial is made in a private lot the number of grave shall be omitted), of all persons buried in any of the cemeteries within the corporate limits of the city of Galveston, as well as all burials in any cemetery without the corporate limits, for which service there shall be charged and collected by the city collector of taxes a registration fee of one dollar. The term "burial" here used is intended to include registration fee for all bodies placed in vaults. And in all cases where bodies are removed and reburied, or placed in vaults, or removed from the city for interment elsewhere, there shall

be charged and collected by the city collector a registration fee of two dollars, a careful registration of such removal and reburial being made and entered by the city sexton in the Book of Registry of Burials. And the following schedule of prices shall be charged in all cases where parties are buried in any of the city cemeteries:

For preparing the graves of adults.....$3 50
For preparing the graves of children..... 2 50

And the same charges shall be made in all cases where bodies are placed in vaults in the city cemeteries. And the city sexton shall require and demand a receipt from the city collector of taxes showing the payment of such charges before preparing graves or allowing bodies to be placed in vaults in any of the city cemeteries; provided, that the fees and charges herein provided for shall not apply to paupers buried at the expense of the city.

ART. 42. In all cases where paupers are buried at the expense of the county of Galveston, there shall be charged and collected by the city collector of taxes from the county of Galveston the sum of one dollar and fifty cents for preparing the graves of all paupers buried in any of the city cemeteries, a registry of such burial being entered as hereinbefore provided, for which no charge will be made. In addition to the duties which devolve on the city sexton as herein prescribed, he is required to keep all the walks in the city cemeteries in good condition and free of grass and all other growth, and he shall be allowed, for the compensation of such help as he may be required to employ monthly in preparing graves and keeping the walks of the city cemeteries in proper condition, such amount as may be fixed monthly by the board of commissioners, which sum shall be paid from the registration fees collected as herein provided for by the city collector for the registration of burials. The amount to be allowed monthly for the compensation of the help of the city sexton to be appropriated monthly by the board of commissioners.

ART. 43. It shall be the duty of the commissioner of streets and public improvements, at least once a month, to examine into the condition of the cemetery, and report to the board.

ART. 44. The city sexton shall keep a registry in his office, in a substantially bound book, in index form, allowing eight to ten pages to each letter, which register shall be ruled into columns, showing "date of burial," "name of deceased," "nativity," "age," "cause of death," "place of burial," "number of lot," and "number of grave in lot;" provided, that when the burial is made in a private lot, the number of the grave shall be omitted.

ART. 45. The sexton shall enter in said register all burials made in the cemetery, whether in private lots, potter's field, or strangers' ground; and for the purpose of making said entry, he shall require from the friends of the deceased a certificate from the attending or other practicing physician as to the facts necessary to entitle the body to be interred, or shall have an inquest held on the body.

ART. 46. The said register shall be kept in the office of the city sexton, and shall be open to the inspection of any one interested, and failure to make such entries shall be sufficient cause for removal from office.

ART. 47. The city sexton shall, before he enters upon the duties of his office, take and subscribe an oath before the mayor, or some justice of the peace resident in said city, well and truly to perform the duties of his said office.

ART. 48. Any person, desiring to have a dead body interred in any city cemetery, shall apply to the city sexton for that purpose; and it is hereby made the duty of the said sexton faithfully to inter the dead bodies of all persons intrusted to him for that purpose. The person having charge of such dead body, or desiring such interment to be made, shall furnish the sexton with a certificate of the attending physician of the deceased, or in case such certificate can not be procured, or there was no physician in attendance, with a certificate of some practicing physician, stating the name, sex, age, place of birth, and residence of the deceased, the time and place of death, and the disease or casualty which caused such death, or as many of said particulars as may be known or can be obtained; provided further, that the holding of an inquest upon such dead body by a justice of the peace or other officer shall not relieve the sexton from the

obligation to require a physician's certificate as aforesaid before interring such dead body.

ART. 49. Any person desiring to ship or transport a dead body beyond the city limits, for interment elsewhere than in a city cemetery, shall furnish the city sexton with a certificate in accordance with the provisions of this article before removing the same. Any person who shall ship or transport a dead body beyond the city limits, without first having furnished the city sexton with the certificate herein prescribed, shall be fined ten dollars.

ART. 50. It shall be the duty of the sexton to require such certificate to be delivered to him before he inters any dead body, and, if he shall bury any such body without such certificate, he shall be subject to a fine not exceeding ten dollars. And it shall not be lawful for any dead body to be buried within the city limits, except in some cemetery of the city, unless express permission therefor be granted by the health physician; and any person who shall bury, or attempt to bury, such dead body within the corporate limits elsewhere than in such cemetery, without such permission from said board, shall be subject to a fine of not exceeding fifty dollars.

ART. 51. It shall be the duty of every householder, or other person having charge of the body of any deceased person, and of the attending physician, to furnish the certificate required herein, and upon refusal or neglect to comply with such requisition, he shall be fined in a sum of not exceeding ten dollars. And, if any person shall knowingly make any such certificate, which shall be found to be false or untrue, he shall be fined fifty dollars.

ART. 52. It shall be the duty of the city sexton to keep a record book, in his office, to be provided by the city, which shall contain a correct account of all burial lots or graves sold, in the cemetery under his charge. He shall make a weekly report to the health physician of all interments in the cemeteries under his charge, and return to the health physician, with said report, all death certificates received by him, under the provisions of this chapter, during the current week.

ART. 53. It shall be the duty of the health physician to transcribe or record an abstract of said certificates returned

to him by the city sexton in a record book to be kept for that purpose in his office, and publish a mortuary list in accordance therewith at least once in every week.

ART. 54. It shall not be lawful for any person to disinter or remove any dead body deposited therein from any grave or vault, except it be upon the application or with the consent of the friends or family of the deceased; and then only under the written permission of the health physician, and superintendence of the city sexton. And if any person shall offend against the provisions of this article, or shall receive any such body, knowing it to have been so disinterred and removed, without the permission of the health physician, he shall be fined in a sum not exceeding one hundred dollars.

ART. 55. It shall be unlawful for any person to deposit for burial, or to permit any dead body to remain in any vault in the cemeteries, within the city of Galveston, without having the same thoroughly sealed up in an air-tight compartment thereof. Any person, either as owner or agent, who shall violate any provision of this ordinance, shall on conviction be fined in the sum of fifty dollars. It shall be the duty of the city sexton to enforce the provisions of this chapter.

ART. 56. In all cases where permission has been granted by the health physician to disinter or remove a dead body, it shall be his duty, on application of the person interested, to give such person a certificate, stating the cause of death and such other facts as he may deem necessary; provided, that no permit shall be granted where the death has been caused by contagious or other pestilential disease.

ART. 57. If the said city sexton shall, without the consent of the friends or family of the dead person, and without proper authority, as specified in the preceding article, suffer, permit or allow the disinterment of any dead body, or participate directly or indirectly therein, or in unlawfully or improperly withholding and keeping from interment any dead body, or suffering it or allowing it to be done, he shall be fined in a sum not exceeding one hundred dollars, and shall be removed from office.

ART. 58. The said sexton shall prepare, or cause to be prepared, graves for the reception of dead bodies, as promptly as shall be required, and shall take care that none be of a less depth than three feet. And it shall be his duty to keep the cemeteries free from weeds and in good condition.

ART. 59. If any person shall cut, break or otherwise injure, mutilate or deface any tombstone, head or foot board, vault, monument or enclosure, tree, shrub or ornament, in the city cemeteries, or in any graveyard, whether belonging to the city or not, he shall be liable to be fined in a sum not exceeding twenty-five dollars.

ART. 60. The city sexton shall have control over the interment and disinterment of all dead bodies in the grounds, either public or private, of the city cemeteries, and shall keep a record of the same, and make weekly report thereof to the health physician. Any person, who shall inter or disinter any dead body in the city cemeteries without the knowledge and consent of the city sexton, shall be fined in any sum not exceeding one hundred dollars.

TITLE III.

Finance and Revenue.

CHAPTER ONE.

LIQUOR TAX.

ART. 61. That there is hereby levied and hereafter there shall be collected from every person, firm, corporation or association of persons selling spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, within the corporate limits of the city of Galveston, an annual tax on each separate establishment, as follows:

For selling such liquors or medicated bitters in quantities of one gallon or less than one gallon, one hundred and fifty dollars; for selling such liquors or medicated bitters in quan-

tities of one gallon or more than one gallon, one hundred and fifty dollars; provided, that in selling one gallon the same may be made up of different liquors in unbroken packages, aggregating not less than one gallon; for selling malt liquors exclusively, twenty-five dollars; provided, that nothing in this section shall be so construed as to exempt druggists who sell spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, on the prescription of a physician or otherwise, from the payment of the tax herein imposed; and provided further, that this article shall not apply to the sale by druggists of tinctures and drug-compounds, in the preparation of which said liquor or medicated bitters are used, and sold on the prescription of a physician or otherwise, and which tinctures and compounds are not intoxicating beverages, prepared in the evasion of the provisions of this section.

ART. 62. That every person, firm, corporation or association of persons desiring to engage in the sale of spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, in the city of Galveston, as set forth in Section 1 of this ordinance, shall, before commencing the sale of such liquors or medicated bitters, file with the secretary of this city an application, under oath, for license to engage in the sale of such liquors or bitters; said application to be made on a form to be furnished said applicant by the secretary, and which shall designate the place where it is proposed to carry on the sale of such liquors or bitters, giving the street and number of the house, the quantity which the applicant proposes to sell, whether one gallon or more, or one gallon or less than one gallon, or whether he or they desire to sell malt liquors exclusively; and shall also state in said application whether said liquors or medicated bitters are to be sold to be drunk on the premises. The secretary shall then issue a certificate showing that such application has been made as herein provided, and thereupon, and not before, there shall be issued by the collector of taxes a license to said applicant, the entire annual tax herein levied having first been paid to the collector of taxes of the city of Galveston, according to the quantities the applicant may pro-

pose to sell. All taxes herein levied shall be paid in advance. All licenses issued hereunder shall be posted in a conspicuous place in the place of business of said licensee, and, on failure to so post said license or receipt, he or they so failing shall be considered as having no license and subject to all the pains and penalties as if no such had been issued.

ART. 63. That no license shall be issued for a longer period than one year. The time for which such license is authorized, the particular building, number and location, name of the licensee, and the quantities allowed to be sold, shall be stated in the license, which shall be valid and effective only at the place of the person and in quantities as stated therein, and shall not be subject to transfer except as herein provided.

ART. 64. That if any person, firm, corporation or association of persons shall have obtained a license hereunder and desire to transfer the same to some other person, firm, corporation or association of persons, such transfer may be made by presenting application therefor to the secretary, who shall thereupon furnish certificate of such application, and upon presentation of such certificate and the license, having the transfer endorsed upon the face thereof, the collector of taxes shall endorse his approval of such transfer on the face of the license; and any person, firm, corporation or association of persons having obtained a license and desiring to change the place or time designated in said license where sales may be made, may have such change made by applying therefor to the secretary, who, upon such application being filed with him, in writing, shall issue a certificate that such application has been made; upon presentation of such certificate and the license to the collector of taxes, he shall endorse on the face of the license the new place of business; but this provision shall in no case permit of the temporary closing one place of business to sell at another place.

ART. 65. That any person, firm or association of persons who shall engage in the sale of spirituous, vinous or malt liquors or medicated bitters, without first having obtained a license therefor, shall be fined in the sum of ten dollars. Any person, firm, corporation or association of persons who

shall sell spirituous, vinous or malt liquors or medicated bitters, in quantities not authorized by their license, or who shall sell spirituous, vinous or malt liquors or medicated bitters in any place other than that designated in the license, or who shall sell otherwise than as authorized by the license, shall be deemed guilty of a misdemeanor, and on conviction before the Recorder, shall be fined in the sum of ten dollars; provided, that each day any person, firm or association of persons, shall engage in the sale of spirituous, vinous or malt liquors or medicated bitters, in violation of any provision of this ordinance, shall constitute a separate offense.

ART. 66. That the payment of the United States special tax or the State tax, as a seller of spirituous, vinous or malt liquors, shall be prima facie evidence that the person, firm or association of persons paying such tax are engaged in selling such liquors.

ART. 67. That the secretary is hereby required to keep a book showing all applications to him for licenses, for transfers thereof and for changes of place of business, which book shall show the date of such application, the person, firm or association of persons by whom such application is made, and the place where such business is carried on; and the collector of taxes is required to keep a book which shall show when and to whom licenses are issued, and where sales thereunder are to be made, and all transfers and changes, and the details thereof.

ART. 68. That all persons, firms or associations of persons who have paid this city for licenses for the sale of liquors, under ordinances of this city heretofore existing, such payment having been made within twelve months prior to the final passage thereof, shall be entitled, upon presentation and surrender of such license issued by this city, to a new license under the terms hereof, which said license shall be valid and effective for a period of one year from the date of the license so presented and surrendered.

CHAPTER TWO.

OCCUPATION TAXES.

ART. 69. That there is hereby levied on and shall be collected from every person, firm, company or association of persons pursuing any of the occupations named in the following numbered sub-divisions of this section, within the limits of the city of Galveston, an annual occupation tax, which shall be paid annually, in advance, except when herein otherwise provided, on every such occupation or separate establishment as follows:

ART. 70. From every merchant whose annual purchases amount to less than two thousand dollars, one dollar and a half; from ever merchant whose annual purchases amount to two thousand or less than five thousand dollars, three dollars; from every merchant whose annual purchases amount to five thousand dollars or less than ten thousand dollars, six dollars; from every merchant whose annual purchases amount to ten thousand dollars or less than fifteen thousand dollars, ten dollars; from every merchant whose annual purchases amount to fifteen thousand dollars or less than twenty-five thousand dollars, twelve and one-half dollars; from every merchant whose annual purchases amount to twenty-five thousand dollars or less than fifty thousand dollars, thirty dollars; from every merchant whose annual purchases amount to fifty thousand dollars or less than one hundred and fifty thousand dollars, sixty-two and one-half dollars; from every merchant whose annual purchases amount to one hundred and fifty thousand dollars or less than two hundred and fifty thousand dollars, seventy-five dollars; from every merchant whose annual purchases amount to two hundred and fifty thousand dollars or less than five hundred thousand dollars, one hundred dollars; from every merchant whose annual purchases amount to five hundred thousand dollars or less than seven hundred and fifty thousand dollars, or more, one hundred and twenty-five dollars; from every merchant whose annual purchases amount to seven hundred and fifty thousand dollars or more, one hundred and fifty dollars. Every person, firm, corporation or association of persons, desiring to sell

goods, wares or merchandise within this city shall, before pursuing such occupation, pay the tax for one year and take out a license to pursue the occupation of the merchant of the class to which he properly belongs, according to his annual purchases, as provided by law, and shall file with the tax collector an affidavit of the amount of his annual purchases for the past year, if previously engaged in such business—or a part of a year, if engaged in such business less than a year—and also of the estimated amount of his annual purchases for the ensuing year. Said affidavit shall be filed and preserved by the tax collector as a part of the records of his office, and shall be in substance as follows, viz.:

> "The undersigned, as the representative of ....., doing business in the City of Galveston, Texas, do solemnly swear that the estimate made of the annual purchase of said concern of goods, wares and merchandise for the next ensuing year does not exceed..... thousand dollars. I further swear that the annual purchases of said concern for the past....months did not exceed the sum of.....thousand dollars."

Said affidavit shall be signed and sworn to before some officer authorized to administer oaths, and for this purpose the tax collector of this city is hereby authorized to administer oaths.

ART. 71. From every merchant who may move from place to place and offer for sale "Bankrupt stocks" of goods, or advertising "Fire sales" or "Water and fire damaged stocks for sale," for a limited period of time, there shall be collected Fifty dollars per month for the first month, or less than a month, for each and every place where such business is located; and for each additional month that such sales are continued, at any given place, said merchant shall pay an additional sum of Ten dollars; provided, that where they remain for six months in one place, in addition to the Fifty dollars charged for the first month, they shall pay an additional sum of Five dollars per month; and provided further, that if they

remain in one place for a period of twelve months, they shall be required to pay, in addition to the Fifty dollars for the first month, the sum fixed in the preceding paragraph, according to class and amount of goods sold in one year.

ART. 72. From every traveling person selling patent or other medicines, Fifty dollars; and no traveling person shall so sell until said tax is paid; provided, that this tax shall not apply to commercial travelers, drummers or salesmen making sales, or soliciting trade for merchants engaged in the sale of drugs or medicines by wholesale.

ART. 73. From every fortune teller, Five dollars; from every clairvoyant or mesmerist, who plies his or her vocation for money, Five dollars.

ART. 74. From every person, firm or association of persons engaged in discounting or shaving paper, or engaged in business as money brokers or bankers, or dealers in stocks, securities or bills of exchange, or in buying or selling bonds, State, County or City warrants, or other claims against the State, an annual tax of Twenty-five dollars.

ART. 75. From every operator or owner of any daguerrean, photograph or other like gallery, by whatever name called, an annual tax of Five dollars.

ART. 76. From every auctioneer an annual tax of Five dollars.

ART. 77. From every keeper of a toll bridge, an annual tax of Three and one-half dollars.

ART. 78. From every person, firm or association of persons following the occupation of ship brokers or ship agents, an annual tax of Five dollars.

ART. 79. From every person, firm or association of persons selling on commission, Five dollars.

ART. 80. From every land agent there shall be collected an annual tax of Two and one-half dollars. The term "land agent" shall be construed to mean any person, firm or association of persons performing for compensation any of the following services: Purchasing or selling real estate for others; purchasing or selling land certificates for others. But this term "land agent" shall not be construed so as to levy a tax upon an attorney in addition to the one hereinafter levied.

ART. 81. From every person practicing law, and from every conveyancer or other person drawing deeds or other legal instruments for pay, Two and one-half dollars.

ART. 82. From every local practicing dentist, an annual tax of Two and one-half dollars.

ART. 83. From every person or firm keeping a shooting gallery at which a fee is paid or Demanded, an annual tax of Fifteen dollars.

ART. 84. From each person or firm keeping a knife, cane or doll rack, or any other device upon which rings are pitched, or at which balls are thrown, an annual tax of Twelve and one-half dollars.

ART. 85. From every billiard, pool table, or anything of the kind, used for profit, Ten dollars; and any such table used in connection with any drinking saloon or other place of business where intoxicating liquors, cigars or other things of value are sold or given away, or upon which any money or other thing of value is paid, shall be regarded as used for profit.

ART. 86. From any person or persons who shall sell pools on horse races or other contests, Two and one-half dollars for each and every day they may so sell said pools.

ART. 87. From every nine or ten pin alley or any other alley used for profit, or whatever name called, constructed or operated upon the principle of a bowling alley, and upon which balls, rings or other devices are used as substitutes thereof, are rolled, without regard to the number of pins used, or whether pins are used or not, or whether the balls, rings or other devices are rolled by hand or with a cue or any other device, Fifty dollars. Any such alley used in connection with any drinking saloon, or any drug store, or with any drug store where intoxicating liquors are sold, or given away, or upon which money or anything of value is paid, shall be regarded as used for profit.

ART. 88. From all persons keeping or using for profit any hobby horse, flying jenny, or device of that character, with or without name, Seven and one-half dollars for each place where the same are kept or used.

ART. 89. From every foot peddler Two dollars and fifty cents; from every peddler with one horse or one pair of oxen,

the sum of Three dollars and seventy-five cents; from every peddler with two horses or two pair of oxen, Five dollars; from every peddler with sail or other boat in Galveston Bay within the city limits, Five dollars; provided, that nothing herein contained shall be so construed as to include traveling vendors of literature, or traveling vendors of poultry, vegetables, fruits or other country produce exclusively, and fruit trees exclusively.

ART. 90. From every theatre or dramatic representation for which pay for admission is demanded or received, Two and one-half dollars per day for every day they may perform; provided, that theatrical or dramatic representations given by performers for instruction only, or entirely for charitable purposes, shall not be herein included; and provided further, that this tax shall not be collected where the performances are exhibited in regularly recognized opera houses or theatres, but in lieu of said tax the managers of said opera houses or theatres shall pay an annual occupation tax of Twelve and one-half dollars.

ART. 91. From every circus wherein equestrian or acrobatic feats and performances are exhibited, for which pay for admission is demanded or received, for each performance or exhibition where an admission fee of one dollar is charged, One hundred and twenty-five dollars; for each performance or exhibition where an admission fee of seventy-five cents is charged, One hundred dollars; for each performance where fifty cents or less is charged, Fifty dollars; provided, that the amount of fee charged for reserved seats shall be considered as a part of such admission fee; provided, that where there is a combination of circus and menagerie, or circus and other exhibitions, the highest tax fixed by this act for any division or department of the combination shall be collected; provided further, that every show or exhibition which advertises itself as a circus or menagerie, or combination of circus and menagerie, shall be held and construed to be a circus or a menagerie, or a circus and menagerie, whether it be such or not.

ART. 92. From every menagerie, wax work museum, side show or exhibition, whether connected with a circus or not, where a separate fee is demanded or received, Five dollars for

every performance or exhibition in which fees for admission are received.

ART. 93. From every exhibition where acrobatic feats are performed and an admission fee charged for profit, not connected with the circus or theatre, Five dollars for each performance.

ART. 94. From every sleight of hand performance or exhibition of legerdemain not connected with a theatre or circus, Twelve and one-half dollars.

ART. 95. From every person bringing off a fight between dogs and bulls, or between bears and dogs, or between bulls and any other animal, or betweer dogs and dogs, Two hundred and fifty dollars for each performance.

ART. 96. From every cock-pit, when kept for profit or upon which any money or anything of value is bet or paid, Twenty-five dollars.

ART. 97. From every menagerie, wax work exhibition of any kind, where a separate fee for admission is demanded or received, Five dollars for every day on which fees for such admission are received; provided, that exhibitions by associations organized for promotion of art, science, charity or benevolence, shall be exempt from taxation; and provided further, that no persons who form a museum composed entirely of the products of Texas shall have a right to exhibit the same for a fee without paying any occupation tax.

ART. 98. From every concert where a fee for admission is demanded or received, One dollar; provided, that entertainments when given by the citizens for charitable purposes, or for the support or aid of literary or cemetery associations, are exempt.

ART. 99. From every livery or feed stable, fifteen cents for each stall and fifteen cents for each hack, buggy or other vehicle; and from every hack, buggy, dray, wagon or other vehicle let for hire, not connected with a livery, feed and sale stable, One dollar; from every wagon yard used for profit, Two and one-half dollars.

ART. 100. From each and every person acting as general adjuster of losses, or agent of fire, life, marine and accident insurance companies, who may transact any business as such

in this City, an annual occupation tax of Twenty-five dollars. By "general agent," as used in this law, is meant any person or firm, representative of any insurance company in this City, or who may exercise a general supervision over the business of such insurance company in this city, or over the local agency thereof in this City; provided, that when such a general agent acts as a local agent, he shall pay an additional tax as a local agent as hereinafter provided.

ART. 101. From each and every person or firm acting as local agent or agents of life, fire, marine and accident insurance companies, who may transact any business as such in this City, an annual occupation tax of Two and one-half dollars. By "local agent," as used in this law, is meant any person or firm who may solicit, contract for or receive premiums for insurance in this City for any insurance company or companies, or who may deliver contracts or policies of insurance, including railway agents and employes who may solicit or receive premiums for accident insurance in this City.

ART. 102. From each and every person or firm acting as local agent or agents of industrial life insurance companies, who may transact any business as such in this City, an annual tax of One dollar. By "industrial life insurance," as used in this law, is meant insurance adapted to the wants and necessities of the wage earners, in that the policies are small and the premium collected weekly at the homes of the insured, the maximum policy of insurance written on any one person being one thousand dollars.

ART. 103. From every person, firm, corporation or association of persons following the occupation of cotton broker, Eighteen dollars; and every person canvassing for the sale of lightning rods, an annual tax of Fifty dollars.

ART. 104. From every person, firm, corporation or association of persons following the occupation of cotton broker, cotton factor or commission merchant, an annual tax of Seventeen and one-half dollars; provided, that a merchant who pays an occupation tax under this law shall not be considered as a cotton broker. A "commission merchant," in the meaning of this section, is every person, firm, corporation or association of persons, receiving country produce, horses, cattle,

sheep, hogs, grain, corn, hay, lumber, shingles, wood, coal, goods, wares and merchandise, or anything else for sale, to be accounted for to the owner when sold, and charging a commission therefor.

ART. 105. From every pawnbroker, an annual tax of Seventy-five dollars.

ART. 106. From every cotton buyer or buyers of wool or hides, Five dollars; provided, that a merchant who pays an occupation tax, as herein prescribed, shall not be considered a cotton buyer or buyer of wool or hides.

ART. 107. From every person, firm, corporation, agency or association of persons dealing in sewing machines, an annual tax of Seven and one-half dollars; provided, that a merchant who pays an occupation tax, as required under this section, shall not be required to pay this special tax to sell sewing machines when sold in his place of business.

ART. 108. From every person or firm who peddles out clocks, cooking stoves or ranges, wagons, buggies, carriages, surreys and other similar vehicle, washing machines and churns, an annual tax of One hundred and twenty-five dollars; provided, that a merchant who pays an occupation tax, as required under this article, shall not be required to pay this special tax for selling the articles named in this paragraph when sold in his place of business.

ART. 109. From each gas company manufacturing gas in this City, an annual tax of Seventeen and one-half dollars.

ART. 110. From each electric light company operating an electric light plant in this City, an annual tax of Seventeen and one-half dollars.

ART. 111. From each and every owner or keeper of any skating rink used for profit, Twelve and one-half dollars.

ART. 112. From every manager of a base ball park in this City, where an admission fee is charged, Twelve and one-half dollars.

ART. 113. From each owner or keeper of every steam laundry, Five dollars.

ART. 114. From each person or corporation, who are wholesale dealers, selling imported or home made ice to the

trade to be sold again, in this City, an annual tax of Twenty-five dollars.

ART. 115. From every owner or manager of every race track, one mile or more in length, used for profit, Fifty dollars; from each owner or manager of every race track, one-half mile or less in length, Twenty-five dollars per annum; provided, that this shall not apply to race tracks owned by private individuals and used only for training purposes, or in connection with agricultural affairs and expositions.

ART. 116. From every street car company in this City, One dollar per mile on each mile of track owned by said company or corporation.

ART. 117. From each owner or manager of every grain elevator, doing business for fees or toll, with a capacity of one hundred thousand bushels, Twenty-five dollars; on each owner or manager of every elevator with a capacity of fifty thousand bushels and not over one hundred thousand bushels, Twelve and one-half dollars.

ART. 118. From each owner or manager of every phonographic, electric battery, graphophone or other like machines or instruments, where a fee is charged, an annual tax of Twelve and one-half dollars; provided, that when an electric battery is used by a regularly authorized physician on a patient no tax shall be charged.

ART. 119. From each owner or keeper of every kinetoscope, cinetograph or similar machine or instrument, used for profit, which shows the life like motions of persons or animals, an annual occupation tax of Twelve and one-half dollars.

ART. 120. From each owner, manager or keeper of every panorama or view show, used for profit, exhibiting in a wagon, room, tent or elsewhere, an annual occupation tax of Five dollars per annum. A panorama or view show, in the meaning of this act, is a show exhibiting pictures, statuary or other works of art which are viewed through stereoscopic or magnifying lenses.

ART. 121. From every person, firm or association who are wholesale dealers in cotton seed oil, or any of the products of cotton seed, selling such to the trade, a tax of Twelve and one-

half dollars; provided, that this tax shall not apply to a merchant who sells other goods and merchandise and pays an annual occupation tax therefor.

ART. 122. From each owner, manager or keeper of every show or company of persons giving exhibitions of music, songs, recitations, sleight of hand, gymnastic, dancing or other kinds of performances in a tent, house or elsewhere, which said exhibitions are used for profit by sale of medicines, electric belts or other articles of value, whether charge is made only for seats or not, an annual occupation tax of Twenty-five dollars; provided, this tax shall not be assessed when these performances are given inside the grounds of any State or County fair during the time that said State or County fair is giving its annual exhibition.

ART. 123. From every person, firm or association of persons selling on commission in this City, Twenty-five dollars; this article is intended to cover every person, firm or association of persons selling on samples only, and who do not carry any stock of merchandise or anything else on hand; provided, that this tax shall not apply to commercial travelers or salesmen making sales or soliciting trade from merchants.

ART. 124. From all dealers in cigarettes in this City, the sum of Five dollars per annum; a cigarette being, within the meaning of this act, the same as defined by the laws of the United States government; provided, that this tax shall be in addition to the occupation tax levied on merchants, and any other tax levied under the law; and provided further, that each dealer shall be required to procure an annual license from the City Collector of the City of Galveston, which shall be granted for no longer or shorter period than one year; and provided further, that the license shall describe the houses and locality where the dealer proposes to sell cigarettes.

ART. 125. That all licenses issued for the pursuit of the occupations herein taxed shall be for the municipal year beginning January 1 and ending December 31; provided, that any such licenses may be obtained at any time for the unexpired portion of the year upon the payment of the proper proportions of the prescribed tax; provided further, that quarterly licenses may be issued in any case where the annual tax

amounts to ten dollars or more; and provided further, that the receipt of the proper officer shall be prima facie evidence of the payment of such taxes as herein named; and provided further, that no person, firm or association of persons, who shall begin the conduct of any business herein taxed, after the levy hereof, shall be exempt from the operations thereof.

ART. 126. No license shall be transferred except upon presentation of said license to the Collector of Taxes, who shall endorse thereon the date of presentation, the name of transferree, and the place of business.

ART. 126a. It shall be the duty of any person, firm or corporation subject to an occupation tax or license in said City, on desiring to open, undertake or carry on any business, profession, trade or avocation, upon which an occupation or license tax is imposed, before opening, undertaking or carrying on any such business, profession, trade or avocation, to call upon the Assessor for assessment thereof, and to pay to the Collector of the City the amount of such license or occupation tax; and it shall be the duty of the collector to receive the said tax and to issue to such person, firm or corporation a receipt or license, describing the street or number of the place of business, calling, trade or profession.

ART. 127. Any person, either as principal or agent, who shall pursue any business or occupation taxed by the provisions of this ordinance, without first having paid the tax and obtained a license therefor from the Collector, shall be fined in the sum of Ten dollars for each day such violation of this ordinance may continue.

ART. 128. It shall be the duty of every person, firm or member of a firm or corporation, doing business within this City, to have hung up or posted in their office or place of business, in a conspicuous place, the certificate of the Collector, or license, as hereinbefore provided. Any person who shall fail to comply with the provisions of this section, shall be fined in any sum not exceeding Ten dollars.

ART. 129. Any person arrested or prosecuted for the nonpayment of the occupation taxes, under the provisions of this ordinance, may have said prosecution dismissed upon the payment of the tax due, together with the costs that may have accrued in such proceedings in the Recorder's Court.

CHAPTER THREE.

ITINERANT VENDORS.

ART. 130. That hereafter, in the City of Galveston, no itinerant or transient vendor of clothing or wearing apparel, or goods intended for the make of any personal garment, or article of bedding, or goods of any description whatsoever, shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee, trustee, testator, administrator, syndicate, wholesale manufacturer or closing out sale of any goods damaged by boat or railway or other wreck, or by smoke, fire, water or otherwise, or in any similar form, unless he shall before doing so pay the license required in this ordinance, and shall under oath in writing to the Assessor and Collector, in his application for license to conduct such sales in said City, all of the facts relating to the character and reason of such sales, and the names of the person or persons from whom such goods were obtained and the place from whence said goods were last taken, and all the details necessary to exactly locate and identify the same as being actually as advertised, represented or held forth, and in order that the health officer may ascertain whether any of such goods be from any place affected by any infectious or contagious disease, and their sale dangerous to the public health.

ART. 131. Every person who, for himself, herself, or another shall undertake to carry on or conduct any such sale, or dispose of goods advertised and represented to be the character and kind of goods mentioned in the preceding section, without having first made the written statement therein required, and secured the license required, shall be punished for every day so offending by a fine not exceeding one hundred dollars nor less than fifty dollars, and shall stand committed as in other misdemeanors, until such fine and costs of court are paid.

ART. 132. That any person for himself or another, who shall falsely represent, hold forth and advertise for sale, goods of the kind mentioned in this ordinance, or who shall sell any goods of any other kind whatsoever that are not as actually represented by him or her, or his or her agent, in the written appli-

cation for license to the city assessor, shall be guilty of a penal offense, and for each article of goods so falsely advertised, represented and held forth and sold, shall, on conviction thereof, pay a fine of not more than fifty ($50) and not less than ten dollars ($10), and the costs of prosecution.

ART. 133. Be it further ordained, that the city assessor and collector, before issuing a license herein, shall first refer said written statement of the application for license to the city health officer, and if the city health officer shall be satisfied that none of the goods described by applicant came from any locality affected with a contagious or infectious disease then he shall so report, and the assessor, on the payment of the tax required for such occupation, shall issue a license to such vendor to carry on and conduct such sales.

ART. 134. Be it further ordained, that the tax on such transient or itinerant person, engaged in such sales, shall be fifty dollars ($50) for any month, or part of a month, of such sales, and no license shall be issued for a less sum than fifty dollars ($50), and the license shall not be transferable, and for every day such sales shall be conducted without the payment of the tax required, on conviction thereof, he shall pay a fine of one hundred dollars ($100).

ART. 135. Be it further ordained, that if at any time any such dealer shall, knowingly or carelessly, expose for sale, or bring to the city for sale, any article of goods from any locality affected by any infectious or contagious disease he shall forfeit his license, and be subject to a fine of not less than one hundred dollars ($100) nor more than two hundred dollars ($200).

ART. 136. The provisions of this ordinance shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares and merchandise by samples for future delivery, to street hawkers or peddlers, or to sheriffs, constables or other public officers, or to bona fide assignees or auctioneers, or trustees or receivers, regularly appointed, selling goods and merchandise in said city, nor to bona fide merchants, having license as such, and who are not itinerant or transient vendors solely and exclusively advertising goods

damaged by wrecks, or fire or water, or in other manner as set out in section one of this ordinance.

CHAPTER FOUR.

MANUSCRIPT BONDS.

ART. 137. That the commissioner of finance and revenue be, and he is hereby authorized, empowered and instructed, to have prepared manuscript bonds, to be issued in the name of the City of Galveston, and to be signed by the President and countersigned by the City Secretary, and the City Auditor, with the seal of the City affixed thereon, said bonds to be executed and delivered in lieu of and to take up all the bonds now at the credit of all the sinking funds of the said City of Galveston. That the City Auditor be and he is hereby instructed to prepare such manuscript bonds in such amounts as may be necessary for each separate sinking fund, the form to be approved by the City Attorney. Said manuscript bonds shall recite that they are issued in lieu of the bonds in said funds, giving the numbers and the series to which each of the same may belong, and shall bear the same rate of interest as the bonds for which they are substituted.

ART. 138. Said manuscript bonds shall, when executed, be delivered to the City Treasurer of said City, to be substituted for said original coupon bonds of the City of Galveston now held by said Treasurer in trust for the sinking funds to which they may belong, and it is hereby made the duty of the City Treasurer, and to that end he is hereby authorized, empowered and directed, to collect the semi-annual interest of each of such manuscript bonds as the same may become due and payable, and to place the same to the credit of the sinking funds of the respective issues of bonds in which such manuscript bond or bonds shall have been substituted.

ART. 139. All manuscript bonds issued under the provisions of this Ordinance shall also have stamped or written across the face thereof that they are non-negotiable and belong to such sinking funds.

ART. 140. Whenever one or more manuscript bonds shall be issued under the provisions of this ordinance and delivered

to the City Treasurer, it shall be, and is hereby made the duty of the Commissioner of Finance and Revenue, acting together with the Auditor and the City Treasurer, at a time and place to be designated by the Commissioner of Finance and Revenue, to burn and destroy the original bonds in the respective sinking funds for which such manuscript bond or bonds shall have been issued and substituted, and whenever and as often as any such bonds are destroyed by burning, the same shall be done in the presence of and with the consent of all the officers aforesaid, and a full report thereof shall be made to the next meeting of the board for its approval.

ART. 141. That when all of the bonds now held in trust in said sinking funds of this City shall have been taken up and manuscript bonds issued and delivered in lieu thereof, it shall thereafter, whenever by the accumulation of bonds in any one of said sinking funds the same shall amount to or exceed the sum of twenty-five thousand dollars ($25,000), be the duty of the Commissioner of Finance and Revenue to proceed, as directed by this ordinance, to have executed and delivered a manuscript bond to take up the additional accumulation of bonds in such sinking fund.

TITLE IV.

Harbor and Wharves.

CHAPTER ONE.

HARBOR MASTER, PORT RULES AND REGULATIONS.

ART. 142. No vessel or steamer coming into the harbor of Galveston shall be allowed to lay in the stream, in front of the wharves, north, for a longer time than twenty-four hours preparatory to hauling into a berth at the wharves; and that no vessel preparing to go to sea shall be allowed to lay in the stream in front of the wharves, for a longer time than twenty-four hours after leaving her berth at the wharf.

ART. 143. All vessels lying in the stream shall keep their small boats hauled up alongside, or hoisted up to the davits, and during the night shall show a proper light.

ART. 144. All vessels hauling into the wharves shall have their yards topped, anchor flukes taken inboard or stoppered at the hause pipes, cables bent and clear with ten fathoms range of chain overhauled, jib and flying jib-booms rigged in, stern and quarter davits and bumpkins turned in or unshipped, and that all vessels of seventy-five tons and upwards, on arriving in the stream at the port of Galveston, shall, before hauling into berth, and within twenty-four hours after such arrival, report at the harbor master's office and book for berth.

ART. 145. No vessel propelled by steam within the harbor of Galveston shall pass within one hundred feet of any wharf at a greater speed than at the rate of five miles an hour. The master, pilot and engineer of any vessels violating the provisions of this act shall severally be punished by a fine not exceeding one hundred dollars.

ART. 146. No steamship or any other vessel shall be allowed, while anchored in the stream in front of the wharves, between lines running north from the shore at the foot of Forty-first street across the channel in the west, and from the foot of Ninth street in the east, to receive or deliver ballast or any cargo of any description, except as may be hereafter provided.

ART. 147. All vessels, steamers and barges shall keep a good and proper ship-keeper at all times on board.

ART. 148. Any master or agent of any vessel or vessels violating any of either of the preceding articles of this chapter, shall, for each and every offense, on due conviction thereof, be fined in the sum of not less than ten dollars nor more than one hundred dollars.

ART. 149. It is made the special duty of the harbor master to carry out the foregoing rules and regulations.

ART. 150. No person shall bring into the harbor of the city of Galveston, nor shall leave there, the wreck of any ship or vessel, whereby such portion of the harbor may be occupied, and the entrance or departure of any craft hereby be incommoded, under the penalty of twenty-five dollars for every

such offense, and the further penalty of ten dollars for every day, or part of said day, the wreck of said vessel or ship may continue there, after being duly notified of the same by the harbor master of the city of Galveston.

ART. 151. No person shall cast or deposit, or suffer to be cast or deposited, in the harbor of said city, any stone, gravel, earth, ashes or other like substances, or any filth, logs or like floating things, or create any obstruction therein, under a penalty of a fine of not more than twenty-five nor less than ten dollars for each and every offense.

ART. 152. Said harbor master shall have power to regulate and station all ships or other vessels in the harbor, within the port and corporate limits of the city of Galveston, and at the wharves thereof, or moored or anchored near thereto and in such proximity to other shipping as to affect the same in case of fires, or in the loading and unloading of their cargoes or ballast, and also to remove from time to time any and all such ships or other vessels from one place to another, whenever he shall deem it necessary to afford a more general accommodation to the shipping in the harbor within said corporate limits; and if any master or other person having charge of said ship or other vessels, within said harbor and corporate limits, and any master or other person having charge of said ship or other vessel within said harbor and corporate limits shall refuse or neglect to remove or regulate the same, after having been notified to do so by said harbor master, then said harbor master shall have the power and authority to go aboard said ship or vessel, with such assistance as he may think necessary, and remove or otherwise regulate the same to such point or in such manner as he may think just and proper for the better accommodation of other shipping in said port; and, moreover, said master or other person in charge of said ship or vessel, who shall refuse to obey the directions of said harbor master, shall, for each and every refusal, on due conviction thereof before the recorder, be fined in a sum not less than ten nor more than fifty dollars, and said master or other person shall, moreover, be liable for all expenses incurred by said harbor master in his removal of said ships or other vessels as is hereinbefore provided, which

amount may be sued for and recovered for the use of the city before any court of competent jurisdiction. And any other person, affecting or claiming to control any such ship or other vessel, shall be subject to the same fine for refusing and neglecting to obey the directions of the harbor master as aforesaid.

ART. 153. It shall be the duty of said harbor master to superintend and enforce the execution of all by-laws and ordinances regulating the clearing of the docks, and prevent and remove all nuisances about them; and if the person or persons whose duty it shall be to remove such nuisance shall refuse or neglect to remove the same within twenty-four hours after having been notified to do so by the harbor master, such person or persons so refusing or neglecting shall forfeit and pay a fine of not less than five nor more than fifty dollars, and shall be liable besides for all expenses incurred in the removal thereof, to be sued for and recovered for the use of the city before the president or any court of competent jurisdiction.

ART. 154. No vessel shall be allowed to moor within a cable length of any wharf, and no vessel whatever between the wharves of said city and outer bar shall throw overboard any stone or other ballast below high water mark, and all ballast shall be landed fairly on the shore, and at the time of landing or discharging care must be taken not to drop any part thereof overboard, nor shall any ballast be unloaded at night; that no pitch, tar or other combustibles shall be heated on board of any vessel, but such heating must be done on stages or boats, removable in case of accident.

ART. 155. It shall be unlawful for any steam car or other vehicle used for the conveyance of freight, containing more than one-half ton of gun or other explosive powder, to be brought into or unloaded in the city east of Twenty-ninth street; and it shall be unlawful for any such car or vehicle to receive or be loaded with more than one-half ton of such powder in said city east of said Twenty-ninth street; and it shall be further unlawful for any vessel or steamer, loaded with or containing such gun or other explosive powder to land at any wharf of said city until the same is discharged. Upon the arrival of any vessel or steamer having on board such powder, it

shall be the duty of the master of the same to hoist a red flag in the rigging and keep said flag hoisted during the time of discharging the same, and said vessel or steamer shall be anchored in the stream west of Twenty-ninth street, until such powder she may have on board has been discharged under the following regulations, viz:

1st. Any vessel or steamer containing gun or other explosive powder shall discharge the same upon the dock west of Twenty-ninth street, by small boats or lighters, and that it shall be the duty of the consignee to remove the same as fast as it may be landed; that vessels containing or having on board less than one-half ton of such powder shall be exempt from the provisions hereof.

2d. That said boats or lighters shall bring ashore not more than one ton of such powder at one time, and upon the removal of said ton from the dock or wharf by the consignee, said boat or lighter may bring another load, and so continue until the entire cargo is discharged, and under no circumstances or conditions shall any vessel land or make fast to the said docks or wharves until the foregoing provisions have been complied with; and it shall further be unlawful for any person or persons to receive on board, or cause to be received or loaded, any such gun or other explosive powder in a larger quantity than one-half of a ton upon or into any vessel or steamer lying in Galveston bay, at, in front of or north of any of the wharves in said city; provided, however, that west of Thirty-third street such powder may be received and loaded upon any vessel or steamer by small boats and lighters, and in such quantities and in the same manner as is herein provided for unloading and discharging same. But under no condition shall any vessel or steamer receive or be loaded with such powder of the quantity aforesaid at any of the wharves of said city.

3rd. Any breach of the two preceding articles shall and does hereby subject the master of any ship, vessel or other craft or any person whatsoever so offending, to a fine of not less than twenty, nor more than one hundred dollars, for each offense or breach aforesaid.

ART. 156. It shall be the duty of every and all consignees, or shippers, or the agent or agents thereof, to remove from

the wharves and levees of the city of Galveston, all goods, wares and merchandise, and property of every character whatever, and shipped to or by them, within twenty-four hours after notice or knowledge that the same has been landed or placed upon said wharves and levees. Any person or persons violating this article shall, after due conviction thereof, be fined in a sum of not less than twenty-five nor more than one hundred dollars. That it shall be the duty of the harbor master of said city to see that the provisions of this article are strictly complied with, and he shall have all persons violating the same arrested and brought before the recorder of said city for trial.

CHAPTER TWO.

PORT WARDENS.

ART. 157. There shall be appointed three port wardens, who shall hold their offices for two years, and until their successors shall have qualified.

ART. 158. It shall be the duty of the port wardens of this port to attend promptly to all cases of surveys of vessels in distress, wrecked, or partially wrecked; to survey hatches, storage, vessels, partially or wholly wrecked, and, for the security of the parties concerned, to make return to the office of the port wardens of all such surveys, estimates of damage, estimates of the cost of repairs, and of all matters pertinent to the subject, needful to protect the rights of all parties in interest, that a record of the same may be made.

ART. 159. To discountenance the practice of many shipmasters of breaking bulk after the arrival at this port from foreign port without calling a port warden's survey of hatches, it shall be the duty of port wardens to refuse to survey the storage of goods found damaged on the voyage of importation on board of any such ship or vessel which shall have broken bulk without having previously called a port warden for a survey of hatches.

ART. 160. For the services of port wardens, the following sums may be charged and collected to their use, and which shall be divided equally between them, to-wit: For a hatch

survey, including storage survey on goods at the same visit, five dollars; for storage survey on goods for each visit, when called upon by the master or agent of a vessel, two dollars; for a ship survey, over all above water, ten dollars; for a hull survey, after heaving out, ten dollars; for estimate of damage and the cost of repairs, and for original copies in duplicate thereof, notarial fees for writing instruments, to-wit: twenty-five cents for every hundred words; for every second copy of papers, fifty cents for every page of writing certified.

ART. 161. In all cases of ship or hull surveys, and of surveys of goods exceeding five packages, at least two of the port wardens shall give their personal attendance; and upon all surveys out of the limits of the city of Galveston, the expenses of travel, in going to and returning from the place, actually paid, may be charged for.

ART. 162. For all abuses of power and authority, and for all misconduct in the discharge of the duties of the office, the said port wardens, or either of them, upon complaint made, shall be liable to be punished by removal from office.

CHAPTER THREE.

WHARVES.

ART. 163. It shall not be lawful for any dray, cart, wagon or coach, or any other vehicle for transportation of persons, produce, merchandise, effects, or any other objects whatever, or any person on horseback, to drive or ride on any of the wharves of this city faster than a walk; and any person so offending shall pay a fine of not less than three nor more than ten dollars.

ART. 164. It shall not be lawful for any person or company to extend, or cause to be extended, any wharf leading to the channel in front of the city, beyond a depth of water twelve feet at ordinary low tide, under a penalty of one hundred dollars for every day such obstruction shall remain, to be recovered as in cases of other fines, and a like penalty shall be imposed for the extending of any wharf now erected, or that hereafter may be erected, a greater distance into the channel, when, from any cause, the water at the end thereof shall be

reduced to a less depth than twelve feet, but in such case it shall be the duty of the owner or owners of such wharf to cause the water in front of the same to be deepened by removing the deposits from the bottom.

ART. 165. It shall be unlawful for any master of a vessel, stevedore, or other person handling freight on the wharves of the city, or unloading freight from vessels onto the wharves in the city, to pile freight on the said wharves in greater quantities than is permitted by the following rules, to-wit:

Salt in sacks is allowed four tiers high.

Railroad iron, heavy, is allowed two tiers high.

Railroad iron, light, is allowed three tiers high.

Brick on flat is allowed eight tiers high.

Brick on edge is allowed six tiers high.

Tin plate in boxes is allowed two tiers high.

Vessels will be held responsible for damages caused by a violation of these rules.

Any person who shall violate the provisions of this chapter shall, on conviction, be fined fifty dollars, and it shall be the duty of the harbor master to enforce this ordinance.

ART. 166. All persons loitering about or entering any grain cars or other cars, on the wharf tracks or railway tracks north of Avenue A in the city of Galveston, for any purpose whatsoever, unless employed or authorized by the railway companies, elevator company or companies or some other person having authority over the same shall be deemed offenders and guilty of a misdemeanor, and upon conviction shall be fined not less than five and not more than twenty-five dollars.

ART. 167. It shall not be lawful for any person to take, receive or carry away any corn, grain or other produce from any grain car, or other car, loaded or unloaded, standing upon any of the tracks on said wharf frontage north of Avenue A; nor shall it be lawful for any person or persons to sell or dispose of, in any manner, any such corn, grain or other produce, in any quantities, so taken or received from such cars. Any person so taking, receiving or carrying away any corn, grain or other produce from said cars, unless by authority of the railway companies, elevator companies, or the owners thereof, or other party or parties charged with the

handling or protection of such grain cars, shall be deemed guilty of a violation of this ordinance, and, upon conviction thereof before the recorder, shall be fined in a sum not less than five dollars nor more than twenty-five dollars.

ART. 168. Any person, firm or corporation, buying, receiving or handling any grain, corn or other produce, from any person or persons, who have acquired the same in the manner prohibited in the preceding article, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before the recorder, shall be fined in a sum not less than twenty-five dollars nor more than fifty dollars; and the receiving, handling, buying or taking of said grain by any person, firm or corporation, without proof that the same was purchased from some person or corporation authorized and duly licensed to sell the same in the city of Galveston, shall be taken as **prima facie** evidence of the violation of this section.

ART. 169. Where any of the property mentioned in the foregoing articles is obtained in such a manner as to come within the meaning of theft or the receiving of stolen property, or some other offense known to the penal laws of this State, or the ordinances of the city, the rules herein prescribed shall not be understood to conflict with or to take any such case out of the operation of the law which defines and punishes such offense.

TITLE V.

Health Department.

CHAPTER ONE.

HEALTH PHYSICIAN.

ART. 170. It shall not be lawful for any person to establish or keep any hospital or other like place for the reception or accommodation of any sick or diseased persons at any point within the corporate limits of the city of Galveston, between

Ninth street and the western boundary of the city; and any person who shall violate the provisions of this article shall be punished by a fine not exceeding one hundred dollars for each and every sick or diseased person received or accommodated at such hospital or other like place.

ART. 171. It shall be the duty of the health physician, on the complaint of any citizen, to cause any such sick or diseased person, or persons, to be removed from any such unlawfully established hospital, or other like place, to a hospital for city patients.

ART. 172. That the health physician shall examine all persons applying for hospital relief and shall, at his discretion, grant permits to enter the same, or to secure relief therefrom as "our patients."

ART. 173. The health physician shall have power to take such measures as he may deem effectual to prevent the entrance of any pestilential, contagious or infectious diseases into the city; to stop, detain and examine for that purpose any person coming from any place infected or believed to be infected with such disease; to establish and regulate pest-houses, at some place within the city, or not exceeding five miles beyond its bounds; to cause any person who shall be suspected of being infected with any such disease to be sent to said pest-house; to remove from the city or destroy any furniture, wearing apparel or property of any kind which shall be suspected of being tainted or infected with pestilence, or which shall be likely to pass into such a state as to generate or propagate disease.

ART. 174. That the captain, master or person in charge of any boat, steamboat, steamship or other craft or vessel which shall enter the city, having on board any person sick with malignant fever, or other pestilential, contagious or infectious disease, shall be guilty of a breach of this article, unless the person so diseased became so on the way, and could not be left. It shall be the duty of such captain, master or person in charge, within three hours after his arrival, to report, in writing, to the health physician, the fact of such sick person being on board, and the name, description and location of his craft, and he shall not permit such sick person to land

or be landed, or to communicate with the shore in any way, until the health physician shall give permission for that purpose.

ART. 175. That the owner, driver, conductor or person in charge of any stage, railroad car or public conveyance which shall enter the city having on board any person sick of a malignant fever or pestilential, infectious or contagious disease, unless such person became sick on the way and could not be left, shall be deemed guilty of a breach of this ordinance. Such owner, driver, conductor or person in charge shall, within three hours after the arrival of such sick person, report, in writing, the facts, with the name of such person, and the house where he was put down in the city, to the health physician.

ART. 176. That any person who shall bring, or cause to be brought, into the city any person or property of any kind tainted or infected with malignant fever or any pestilential or infectious disease, shall be guilty of a breach of this chapter.

ART. 177. That the health physician shall have power, by an order in writing for that purpose, to be served on the master, captain or person in charge of any boat, steamboat, steamship or other ship, vessel or craft, that may be by him suspected to have on board any infected or diseased property or person, to require such boat, steamboat, steamship, ship, vessel or other craft, not to enter within the city limits or harbor, or to remove to some certain distance not less than two miles from the city, and every such master, captain or person in charge, consignee or owner, who shall be served with such order, shall be guilty of a breach of this article, if such boat, steamboat, steamship, vessel or other craft shall enter the harbor or city in violation of such order, or shall not be removed according to the tenor of such order, within reasonable time after the service of such notice.

ART. 178. That every keeper of any inn, hotel, tavern, boarding or lodging house, in the city, who shall have in his house at any time between the first day of June and the first day of December, any sick guest, traveler, sailor, or other person, shall report the fact and name of the person in writing, within six hours after he came to the house or was taken

sick therein, to the health physician. Every physician in the city shall report, under his hand, to the officer above named, the name, residence and disease of every patient whom he shall have sick of any malignant fever or infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this article, or any part of either of them, shall be deemed to be a breach of this article.

ART. 179. In order to effect the abatement of nuisances or removal of accumulated filth, the health physician shall have power, whenever in his opinion such nuisance or filth exists, and is, or is likely to become, detrimental to the public health, after officially so declared by him, to notify in writing, through its officers, the owner, agent, lessee, or tenant thereof to abate or remove the same, either by filling up, draining, cleansing, purifying or removing the same, as the case may be.

ART. 180. If the person who shall have been served with such notice shall fail within the time indicated in the notice to comply with such order of the health physician, or fail to show good cause why he can not or ought not to comply with such order, for which purpose he shall be entitled to be heard before the board of commissioners, if he so requests it, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars nor more than two hundred dollars, with an additional fine of not less than five nor more than fifty dollars imposed for each and every day that the person or persons thus convicted shall, after conviction and due notice thereof, fail or refuse to abate or use due diligence in the work of abating such nuisance; and if such service can not be made, for the reason that the owner, agent, lessee or tenant of the property upon which the nuisance may exist can not be found in the city, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, then the board shall cause such notice to be published in the newspaper doing the city printing for five consecutive days (Sundays excepted), and if within five days after such service of notice, or after its publication as aforesaid, such nuisance shall not be abated or the order observed, then the board shall order said nuisance

to be abated, either by filling up, draining, cleaning, purifying or removing the same, as the case may be, under the supervision of the city engineer. The board of commissioners, before ordering said nuisance to be abated, shall, for the purpose of acquiring the most reliable information practicable of the probable cost of said work, cause an estimate to be made of said probable cost by the city engineer, and said engineer shall also report a full list of all lots or fraction of a lot, with the number of blocks on which such nuisance is situated, and the names of the owners thereof, and such other information as may be required by the board of commissioners, and if there be any lot or fractional lot the owner whereof is not known, the same shall be entered on said list as "unknown," and said engineer shall enter in said list opposite each lot or fractional lot the estimated cost of the work to be done on the same; and when the said work is ordered by the board of commissioners, and shall have been completed, the board of commissioners shall cause an accurate report of the cost thereof to be made by said engineer, stating the cost of the work done on each lot or fractional lot, and upon the acceptance and approval of said report and list by the board of commissioners, said amounts shall be imposed, levied and assessed by the city council on said lots or fractional lots respectively, and collected by the collector and shall be a first privileged lien upon the property until paid. Said assessment shall bear interest at the rate of six per cent. per annum from the date of assessment until paid. For any such assessment and interest as aforesaid, the board may cause suit to be instituted and recovery had in the name of the city in any court having jurisdiction, and the report of the engineer of the cost of said work, together with the proceedings of the city council making said levy and assessment, or a copy thereof duly certified by the secretary, shall be full proof and satisfactory evidence for the recovery of judgment for said assessment and interest.

ART. 181. The board shall cause all premises to be inspected, and the lot or lots to be filled up to the grade established by the board; and they shall have authority to regulate the making, filling up, altering or repairing of all sinks and

privies, and directing the mode and material of constructing them in future, and for cleansing and disinfecting the same, and for cleansing and disinfecting any house, building, establishment, lot, yard or ground from filth, carrion, or impure or unwholesome matter of any kind, and no animal or vegetable substance, nor sweepings, nor scrapings, muck or silt, nor dirt gathered in cleaning yards, buildings, wharves or ships, nor waste of mills or factories, nor any materials which are offensive or tend by decay to become putrid or to render the atmosphere impure or unwholesome, shall be deposited or used to fill up or raise the surface or level of any lot, grounds, street, alley, wharf or low place, or any ground filled for the purpose of building thereon, unless pursuant to a special permit from the board of commissioners, or under its authority.

ART. 182. That the health physician may be authorized by the board of commissioners, when the public interest requires, to exercise, for the time being, such of the powers and perform such of the duties of chief of police as the board of commissioners may in their discretion direct; shall be authorized to enter all houses and other places, private or public, any boats or other water craft, at all times, in the discharge of his duties under this article, having first asked permission of the owners or occupants thereof.

ART. 183. That the health physician shall have the power to abate, or cause to be abated, all nuisances which may injure or affect the health or comfort of the community or any individual thereof, and to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

ART. 184. Every person who shall sell, or offer or expose for sale in the markets or elsewhere in the city, unwholesome, stale, emaciated, blown, stuffed, tainted or measly meat, poultry, fish, flesh or provisions of any kind, or any stale, unripe, green rotten or unwholesome vegetables, fruits, garden produce or fruit of any kind, shall be punished by a fine of not less than twenty nor more than one hundred dollars for each and every offense. It shall be the duty of the officers of the police, and of the health inspectors, and of each and every

one of them, to seize such articles of fish, flesh, poultry, vegetables, fruits, provisions or food when discovered, and throw the same into the garbage cart. And it shall also be the duty of each of said officers to make a complaint of every violation of this ordinance and procure the issuance of warrants against all persons so offending, that such persons may be arrested and brought before the recorder's court for trial therefor.

ART. 185. That the owner or occupant of any grocery, soap, tallow or chandlery establishment, or blacksmith shop, tannery, stable, slaughter house, distillery, brewery, sewer, privy or other unwholesome or nauseous house or place, shall cleanse, remove or abate the same, as the health physician may deem necessary for the health, comfort and convenience of the inhabitants.

ART. 186. That the health physician is hereby charged with the duty of employing all necessary labor in his department, subject to the limitation to be prescribed by the council as to the number of employes or workingmen and the compensation to be paid them.

ART. 187. That the health physician shall establish such rules and regulations as he may think necessary to determine the number of deaths and burials in the city, and for the disinterment and removal of dead bodies, and for the bringing of them within the city.

ART. 188. That all notices required by this chapter shall be in writing, and may be served by the health physician or by a health inspector upon the owner, or agent of the owner, or the tenant of the premises offending, if resident in the city; but, if the premises be unoccupied, and the owner is a non-resident, and has no resident agent, then notice shall be served by posting a written notice on the premises.

ART. 189. That any person or persons who shall violate, resist or fail to comply with any of the preceding articles of this chapter, or who shall fail to comply with any order, rule or regulation issued by the health physician, under the authority of this chapter, shall be fined not less than ten dollars nor more than one hundred dollars, and shall be im-

prisoned in the county jail until such fine is paid, and while so imprisoned shall be made to work on the public highways, or some other public work under the municipal authority; provided, such imprisonment shall in no case continue longer than fifteen days; and for any failure or refusal to comply with any order or notice of the health physician, when a particular time is specified for the execution of such rule, regulation, order or notice, the person or persons so offending shall be liable to a fine of not less than five nor more than fifteen dollars for every day such failure or refusal to comply with such rule, regulation, order or notice shall continue.

ART. 190. Any person who shall violate any article of this chapter, or fail to perform any duty therein prescribed, shall be fined in any sum not exceeding twenty-five dollars, unless another penalty is specially prescribed therefor.

CHAPTER TWO.

SANITARY REGULATIONS.

ART. 191. It shall not be lawful for any person to erect or use any place as a privy or necessary house on any lot or premises within three feet of the line of the next adjoining lot, or any street or alley in the city; and any person who shall violate this provision shall be fined in any sum not exceeding ten dollars in case said privy or necessary house is not removed to conform thereto within twenty-four hours after notice to remove the same by the health physician, or any policeman or health inspector.

ART. 192. It shall not be lawful for any person owning or using a privy or necessary house, to use and keep the same in such manner that it shall be offensive to the public or to any person residing in the vicinity. Any person so owning or using the same, who shall fail or refuse to place the same in good sanitary condition within twenty-four hours after notice from the board of health, a policeman or a health inspector, shall be fined in any sum not exceeding ten dollars for each and every day he shall so fail or refuse.

ART. 193. It shall not be lawful to remove any night soil, or the contents of any vault, privy or necessary house within the city, at any time between the first day of June and the first day of November in any year, except with the permission of the health physician, and in accordance with such directions as may be prescribed by the board of health, and not at any other time of the year, except between the hours of eleven o'clock at night and four o'clock in the morning, without written permission of the health physician. And it shall not be lawful to remove any night soil or the contents of any vault, privy or necessary house within the city, except by such means as the odorless excavating apparatus, or by vessels or other apparatus the use of which is inoffensive. And all such vessels and apparatus are to be examined, approved, and a written license granted by the health physician to use the same, before same are used. Any person offending against any of the provisions of this article shall, upon conviction, be subject to a fine of not less than five dollars nor more than twenty-five dollars for each and every offense.

ART. 194. It shall not be lawful for any person to throw, place, leave, deposit or bury, or to suffer or permit his or her servant, or any other person of his or her family to throw, place, leave, deposit or bury the carcass of any dead animal or any carrion, or putrid meat, fish, entrals, contents of a privy, or other unwholsesome substance, in any square, avenue, street or alley, or upon any lot within the city, or upon any other ground within the limits thereof, except such ground or place as shall from time to time be designated by the health physician for such purpose; and for every violation of this article the offender shall be subject, on conviction, to a fine of not more than twenty-five dollars for each and every offense.

ART. 195. It shall be the duty of all owners or occupiers of houses, stores, shops or vacant lots to keep the sidewalks in front of their houses, stores, shops or vacant lots clean and in good condition, and that it shall be unlawful and prohibited to sweep, pour, throw, or otherwise place in the gutter, or into the streets and alleys, offal, liquid debris, or any other thing or substance; such sweepings, debris, offal,

etc., shall be collected in suitable boxes, barrels, or other vessel, and placed before the doors, at the edge of the sidewalk, or in the alley, as may be ordered by the health physician where scavenger carts shall take it at certain hours, not later than nine o'clock a. m., and the empty boxes or barrels shall not remain on the sidewalk or in the alley, but shall be taken back to the house by the owner. This shall not apply to any refuse or any boxes, crates, barrels, shaving paper or other package or material which has been used for packing or other similar purposes, but the owners or occupants of stores, houses and shops, having no further use for such waste package or material, shall cause the same to be removed, and not deposit it or permit it to remain upon the sidewalks, or in the alleys or streets. Any person violating this article, or any provision thereof, shall be fined not less than one nor more than five dollars for each offense.

ART. 196. Every owner or keeper of any animal which may die within the limits of the city, shall forthwith remove, or cause to be removed, the dead carcass thereof to the place designated by the health physician for such purpose, and there bury the same or cause it to be done, at his or her own expense; and for refusal or failure to comply with the provisions of this article each owner or keeper shall be subject to a fine of not exceeding ten dollars.

ART. 197. Every person who shall discharge from his house, factory or lot, into any avenue, street or alley, in the limits of the city, any noisome or offensive liquid or substance, prejudicial to the health of persons residing in or near such avenue, street or alley, and every person keeping on his premises any hides, whether green or dry, skins or peltries, or any animal or vegetable matter that is generally offensive to the persons residing in the neighborhood, or deemed prejudicial to the health thereof, shall for each and every offense be subject, on conviction, to a fine of not exceeding fifty dollars.

ART. 198. No steam boiler manufactory, machine shop, foundry, factory, brewery, distillery, soap factory, butchery, or sausage-making establishment, or any other establishment of similar kind whatever, shall be erected or continued in

operation within the corporate limits of the city, which shall, upon due consideration before the recorder's court, be declared by said court a nuisance to the public, or to any persons residing within the vicinity thereof, under a penalty to be inflicted upon the owner or occupier of such establishment of not exceeding one hundred dollars per day for each and every day the said nuisance shall be continued after he or they shall be notified by the president to discontinue or remove the same.

ART. 199. Every owner, occupier or lessee of a wharf, or the agent or manager thereof, shall keep the docks or slips, to the distance of thirty feet on either side of said wharf from end to end, clear of logs, timber, bushes, seaweed and every species of filth or obstruction whatever; and every owner, lessee or occupier of any wharf, or the agent or manager thereof, within the limits of the city of Galveston, who shall fail or refuse to keep the docks free of all filth and obstructions aforesaid, or shall fail or refuse to remove from said wharves, or any grounds connected therewith, any filth or noxious and offensive matter of any kind whatever, within twenty-four hours after having been notified to remove the same by the board of health, or any health inspector, shall be fined in any sum not exceeding ten dollars for each and every day he may so fail or refuse.

ART. 200. Any vessel, boat, barge or other water craft, which may be lying at or about the wharves or docks of this city, which may at any time contain stagnant water, or be in an impure or unwholesome condition, shall be and is hereby declared a public nuisance, and that the owner, master, agent or consignee, on being notified to that effect, shall immediately remove the said vessel, barge, boat or other water craft, to such place as may be designated by the health physician, there to be cleaned and purified, before the same shall again be suffered to be brought to the wharves and docks aforesaid; and in case the said owner, master, agent or consignee shall refuse or neglect to remove any such vessel, boat, barge or other water craft, being thereunto required as aforesaid, and within the time allowed therefor, he, she or they shall be liable to a fine of not more than twenty dollars for each and

every twenty-four hours the same shall remain after the expiration of the time limited for the removal thereof; and the said refusal or neglect being continued for forty-eight hours, it may and shall be lawful for the health physician, and it is hereby made his duty, to cause the same to be removed at the charge, expense and risk of the said owner, master or consignee of said vessel, the cost whereof being ascertained, shall be recovered by suit or action in any court of competent jurisdiction, in the corporate name of the city, against such owner, master or consignee as aforesaid.

ART. 201. The health physician of the city is hereby authorized to prevent and prohibit the introduction within the limits of the city of any hides, peltry, coffee, suet, provisions, or any infected articles, which, in his judgment, may endanger the health of the city; and any person or persons, willingly or knowingly introducing into the city any of the said articles, contrary to the prohibition aforesaid, shall forfeit and pay for each such offense a sum not exceeding fifty dollars; and all such articles, whenever found within the limits of the city, and adjudged by the physician aforesaid to endanger the health of the city, shall be immediately removed without the limits of the city by the person on whose premises the same are found.

ART. 202. It shall not be lawful for any person to skin any dead animal that may die within the limits of the corporation, or may drift on shore, without immediately burying, or in some other way destroying the carcass; and any person so offending shall be fined in a sum of not less than ten dollars for each offense, to be recovered as for breach of other ordinances.

ART. 203. That any privy hereafter constructed within the fire limits of the city of Galveston shall be not to exceed four feet below the surface of the ground, and to be walled with brick or stone laid in cement its whole depth, with water-tight bottom. Said wall shall be raised at least one foot and a half above the surface of the ground, and shall be so constructed as not to have any issue or opening on any street or alley or yard, nor shall it be within three feet of any street or alley or party wall or fence. Any person

violating this article shall be subject to a fine of not less than ten nor more than one hundred dollars for each and every offense.

CHAPTER THREE.

QUARANTINE.

ART. 204. All vessels arriving within the bay of Galveston are hereby declared to be subject to such quarantine regulations as are herein prescribed.

ART. 205. The quarantine anchorage shall be abreast of Mesquite island, or other place to be designated by the health physician, and all vessels subject to quarantine shall immediately upon their arrival from sea proceed to and be anchored at the place assigned for quarantine, and shall there remain with their officers, passengers and crew, during the time of their quarantine, to be prescribed by the board of health, but not in any case to exceed twenty days; provided, that when quarantine shall have been declared by the governor of the State of Texas, such vessels shall remain at the quarantine anchorage for the term that may be prescribed by the governor in his proclamation establishing quarantine.

ART. 206. The quarantine physician shall board every vessel subject to quarantine immediately on her arrival, and make strict inquiry into the health of the crew and passengers, and into the state and condition of the vessel and cargo; and in the discharge of his duty he may put all such questions to the persons on board as he shall judge necessary and proper to enable him to ascertain the condition of the vessel and the quarantine to which she ought to be subject; and the persons to whom such questions shall be put shall, if required, answer the same under oath, which the quarantine physician is hereby authorized to administer.

ART. 207. When the detention prescribed for any vessel has expired, if the quarantine physician shall judge the vessel and cargo free from infection, he shall relieve the vessel from detention; but no vessel shall be allowed to remove from the quarantine ground without a written permit from the quarantine physician.

ART. 208. No lighter or vessel shall be employed to unload vessels at the quarantine, or to remove any of the passengers or crew therefrom without the permission of the quarantine physician, when they may be subject to such restrictions as may be imposed by the quarantine physician; provided, that all mails may be landed at the earliest period deemed safe by the quarantine physician.

ART. 209. The master or other officer in command, or clerk of every vessel arriving at the quarantine ground, shall make a report in writing to the quarantine physician, of the name, age and last legal residence of every passenger or hand on board of such vessel; and no such hand or passenger shall be allowed to leave the vessel without the written permission of the quarantine physician.

ART. 210. The master, owner or consignee of every vessel subject to quarantine shall forthwith, upon the requisition of and under the direction of the quarantine physician, cause such vessel, her cargo and clothing to be purified, and shall cause such vessel to be fumigated, aerated and purified, according to the directions of the health physician, when required by the quarantine physician, at the expense of said vessel.

ART. 211. The quarantine physician, under the directions of the health physician, if it be deemed necessary to prevent infection or contagion, may cause any bedding or clothing on board a vessel subject to quarantine, or any portion of her cargo that he may deem infected, to be destroyed.

ART. 212. Any master of a vessel who shall either give false information relative to the condition of his vessel, crew, passengers or cargo, or refuse to give such information as shall be lawfully required, or who shall land any person from his vessel, or unload or tranship any portion of his cargo before his vessel shall have been visited or examined by the quarantine physician, shall be guilty of a misdemeanor; and for each offense shall be fined a sum not exceeding one hundred dollars.

ART. 213. Any person who shall willingly or knowingly oppose or obstruct the quarantine physician in performing his duties herein required of him, shall be guilty of a misde-

meanor, and, on conviction, shall be fined for each offense not exceeding one hundred dollars, and may be imprisoned for a period not exceeding fifteen days.

ART. 214. Any master of a vessel subject to quarantine, arriving in the bay from sea, who shall refuse or neglect either first to proceed with and anchor his vessel at the place assigned for quarantine at the time of his arrival; second, to submit his vessel, cargo and passengers to the examination of the quarantine physician, and to furnish all necessary information to enable that officer to determine at what length of quarantine and other regulations they ought respectively to be subject to; third, to remain with his vessel at quarantine during the period assigned for her detention, and whilst at quarantine to comply with the directions and regulations hereof, and with such orders as the quarantine physician, by virtue of this article, may give, shall be liable to a fine of one hundred dollars, or fifteen days' imprisonment, and every other person obstructing said officer in the discharge of his duty, shall be liable to a like penalty. All drummers, persons running market boats, and all other persons are prohibited from going on board of any vessel that arrives in the harbor of Galveston during quarantine season until after the inspection of such vessel by the quarantine officer. Any person violating the provisions of this section shall be fined not less than twenty-five nor more than one hundred dollars for each offense.

ART. 215. That the pilots of this port shall notify all vessels coming from ports declared infected by the quarantine physician of the existence of this order, and shall bring such vessels to anchor at the quarantine station, or outside the bar, for examination by the quarantine physician. And no vessel from any infected ports shall be brought to the city by the pilots, or beyond the quarantine station, without permit from the quarantine physician; and any violation of this provision by any pilot shall subject such pilot to a fine of one hundred dollars.

CHAPTER FOUR.

SLAUGHTER HOUSE AND YARDS.

ART. 216. Slaughter houses, or slaughter yards or grounds, or grounds and premises used for slaughtering purposes, shall not be kept or allowed within the corporate limits of the city of Galveston, between the eastern boundary of said city on the east and Fifty-seventh street on the west; provided that yards, grounds and pens used for feeding beeves or hogs may be kept within the corporate limits west of Forty-third street. Nor shall there be any fresh meat brought within the limits mentioned for the purpose of sale and kept over night, unless the same be deposited in a regularly established market house; nor shall any person be allowed to kill, butcher or slaughter any beef, veal, hog, sheep or goat within the limits prescribed. Every person offending against or violating either of the provisions of this ordinance shall be fined in the sum of twenty-five dollars for each and every such offense.

ART. 217. That no person shall exercise or carry on, within the limits of the city of Galveston, any occupation, trade or business that creates any stench or smell offensive to the senses, which either makes the air unwholesome, or renders the enjoyment of life and property in the neighborhood uncomfortable; and the exercise or carrying on, within said limits, every such occupation, trade or business, and the houses and establishments in which said occupation, trade or business shall be so exercised or carried on, are hereby declared to be nuisances.

That each and every day, or part of a day, any slaughter house, slaughter pen, slaughter yard, ground or premises, or slaughtering establishment, may be used for any of the purposes prohibited by this chapter, and that each and every day, or part of a day, any occupation, trade or business prohibited by this chapter may be exercised or carried on, shall be adjudged a separate offense, and shall be punished accordingly.

ART. 218. That if any person shall be found guilty of a violation of any one of the three preceding articles, the person

so offending shall be fined in any sum not less than twenty dollars, nor more than two hundred dollars.

ART. 219. That when any house, pen or establishment shall be found to be a nuisance, the recorder shall issue a writ to the chief of police, ordering him to abate the same.

TITLE VI.

Fire Department.

CHAPTER ONE.

ORGANIZATION.

ART. 220. The fire department of the city of Galveston shall be composed of a chief of the fire department, an assistant chief of the fire department and such number of firemen as the board of commissioners may deem necessary, the officers and members of said fire department to be appointed and their compensation and duties to be fixed, defined and regulated as provided by the city charter.

ART. 221. The chief of the fire department shall have the command of the entire fire department, its officers, members and employes. He shall at all times supervise and keep in repair, and ready for instant use all the property of the city connected with the department. He shall see that proper discipline is maintained and observed by officers and men when on duty. He shall have sole command at fires over all members of the fire department and all other persons who may be present. He shall direct all proper measures to the extinguishing of fires, the protection of property and preservation of order. He shall keep fair and exact rolls of the respective companies, specifying the time of admission and discharge, and name, age, occupation and residence of each member. He shall, in cases of emergency, have authority to employ extra members when the preservation of property from fire may require it. He

shall, at the end of each month, make, or cause to be made, a correct pay-roll of the officers and members of the fire department, together with a statement of all expenses incurred by the fire department during the current month, and all supplies and material received for the use of the same, and report to the board the condition of the houses, fire apparatus and other property of the department, the number of fires since last report, the causes thereof, and the extent of damage, as near as can be ascertained. In the absence of the chief the engineer shall execute the duties of his office with full powers, and the assistant engineer shall, at all times, be subject to the direction and orders of the chief, and the chief and assistant are hereby authorized to exercise the powers of police officers in going to, while at, and returning from any fire that may occur or alarm be given.

CHAPTER TWO.

REGULATIONS—PREVENTION OF FIRES.

ART. 222. No person shall, under any pretext whatever, take or use any of the implements, tools or apparatus belonging to any of the several companies of the fire department without first obtaining the consent of the chief of the fire department; and it shall be the duty of every fireman knowing of any such offense to report the same to his foreman, and said foreman to make complaint to the chief of police, who shall take action in the matter; and for every violation of this article, the person guilty of such violation shall be subject to a fine of not less than two or more than ten dollars.

ART. 223. Racing to and from fires is not allowed under any circumstances, under penalty of dismissal, and if the apparatus of several companies are proceeding on the same street to or from a fire, they shall do so in single file.

ART. 224. Any driver of a steam engine, or a hose cart, or hook and ladder company, or any other apparatus belonging to a fire company, who may carelessly or willfully come into collision with any other vehicle while going to or from a fire, or any alarm of fire, shall be held responsible for all damages that may occur.

ART. 225. Drivers shall see that their horses are at all times properly secured and protected.

ART. 226. Each company of the fire department shall be furnished with a copy of the fire ordinance, and rules and regulations, which shall be framed and placed in their houses. It shall be the duty of the officers and the members of the department to conform to the regulations and perform all the duties herein required.

ART. 227. Officers and members of the department are strictly forbidden to make any purchases for the department, except under authority of the board.

ART. 228. Any driver of a steam engine, hose carriage, or hook and ladder company, who shall carelessly drive over any hose, shall be subject to dismissal from the department.

ART. 229. Foremen of the several steam fire engine companies are required to see that their horses are exercised daily, in hauling shells and sand, and at such work as may be directed by the chief of the fire department, to leave their wagons on the spot when they hear an alarm of fire, and to resume their work after the fire is extinguished. During the workings of the engines at fires or washings, no liquor of any kind shall be allowed around the engine, to the engineer or fireman; and it is the specified duty of the officer in charge of the engine to see that this order is implicitly obeyed. The maximum of steam required on all ordinary occasions shall not exceed eighty pounds, and if at any time an extra quantity of steam is required, the officer in charge of the engine will notify the chief of the fire department of the same.

ART. 230. In case of a fire, or other assembling of the department, the chief of the fire department shall assume control and be obeyed in all things pertaining thereto. In the absence of the chief, the assistant shall assume his authority and responsibility. The officers of the respective companies will yield prompt and cheerful obedience to the orders of the chief in charge, and the members of the companies will, in like manner, yield prompt and cheerful obedience to the orders of their company officers.

ART. 231. It shall be the duty of the chief, at least once in every month, to make a thorough inspection of the horses, apparatus, buildings or other public property, in the keeping of the various fire companies, to see that they are at all times kept in good condition and ready for use, and to make a full report of the condition of the department to the board on the first day in January, April, July and October, in each year.

ART. 232. It shall be the duty of the secretary to keep, in a book to be provided for that purpose, a fire register, showing the names, date of election and term of service of all officers and members of the department.

ART. 233. It shall be the duty of the chief of the fire department, or assistant in command of fires, to establish a post of observation to be designated in the day time by a red flag, and at night by a red lantern, at which post he shall remain during the progress of the fire, and direct the operations of the department, except when his presence at some other portion of the field is temporarily indispensable.

CHAPTER THREE.

FIRE LIMITS.

ART. 234. It shall not be lawful to erect, build, place, enlarge or repair any wooden building or structure, or any building or structure whatsoever, constructed of wood or with a wooden roof; or to arrange, keep, locate or establish any lumber or wood yard, or place for the purpose of carrying on the business of lumber dealing or for the storage of cord wood, except in quantities less than twenty cords thereof, in this city between the following boundaries: Avenue A on the north, or on any reclaimed land between Avenue A and the channel; the alley between Avenue E (or Postoffice Street) and Avenue F (or Church Street) on the south, excepting the north one-half of block 439; Nineteenth Street on the east, and Bath Avenue on the west. The territory within said boundaries, excepting the north one-half of said Block 439, shall be designated as the fire limits of the city. Any person who shall violate the provisions of this article shall be fined one hundred dollars.

ART. 235. That hereafter, whenever the health physician shall, for sanitary purposes, order any house or building situated within the said defined limits to be raised, the owner, agent or lessees of the same shall be permitted and shall have the right to repair such house or building to such extent, and no more, as may be necessary and requisite to safely raise the same. The extent and nature of such repairs shall be determined by the city engineer, and it is hereby made the duty of the owner, agent or lessee as the case may be, of each house or building so ordered to be raised, to call upon and obtain from the city engineer a certificate, setting forth and particularly specifying the extent and nature of the repairs necessary to be made, in order to comply with the said order of the health physician, which certificate so obtained shall be filed in the office of the city clerk. It shall then be the duty of the chief of the fire department to see that the repairs made upon any such house or building are in strict conformity to and in accordance with the terms and provisions of the said certificate.

ART. 236. It shall be unlawful for any person to move, cause to be moved or aid in moving any house or building from any point to another in the city of Galveston, on, along or across any street, alley or other highway in said city without having first obtained from the president permission in writing signed by him officially, authorizing such removal, which permission shall state the name of the person to whom such permission is given, the building or house to be moved, the place from which and the place to which the same may be moved, and the route along which it shall be carried, and any other restrictions and conditions which the president may impose to avoid inconveniences to the public and for the protection of the highways from injury; provided, that no such permission shall be granted to move any house or building from any point outside of the fire limits of the city across such fire limits or to any point within them. Any person who shall violate or be concerned in violating the provisions of this article, or any of them, or the terms of such permit shall be punished by a fine not exceeding one hundred dollars for each offense.

ART. 237. In case any house or building shall be removed from one place to another within the city limits by any route which shall cross any street railroad, or other railroad used for the accommodation of the public, such house or building shall be carried completely across such railroad track at night between the hours of twelve o'clock midnight, and six o'clock a. m. of the same night; and for each and every hour such house or building, or the material or apparatus used in moving the same, shall obstruct the free passage of cars along such railroad during any other hours of the day or night the owner of such house or building and each and every person charged with or concerned in the removal thereof, whether as agent, contractor or laborer, shall be fined not less than five nor more than twenty-five dollars.

ART. 238. Each and every building of any size or kind hereafter erected within said fire limits, shall have walls and roofs constructed of fire-proof materials, using for walls brick, stone, concrete or cast iron, either solid or filled behind with brick, stone or concrete; and for roof, either slate, tin, iron or prepared asphaltum felt and gravel or shell, to be approved by the chief engineer of the fire department; but in the territory between the alley first north of Avenue A and the channel of the bay, buildings may be constructed with walls covered with corrugated or galvanized iron, patent sheet iron shingles or slate, on application to the board in writing, by a vote of two-thirds of the members thereof. Any person who shall violate the provisions of this article shall be fined one hundred dollars.

ART. 239. Each and every building of any size or kind hereafter erected outside the fire limits, east of Forty-fifth (45) street, within the city of Galveston, shall have roofs constructed of either slate, tin, iron, prepared distilled asphaltum felt and gravel or shell, or other fireproof material, to be approved by the chief engineer of the fire department. And no roof shall be renewed only in accordance with the provisions of this article, and no roof shall be repaired with shingles or wood, without the certificate of the chief of the fire department that said repairs are valued at less than 25 per cent. of the cost of a new shingle or wood roof. Any person

who shall violate the provisions of this article shall be fined one hundred dollars.

ART. 240. Whenever any wooden building now standing within said limits shall be damaged by fire, the rebuilding or repairing of the same is hereby prohibited, unless the owner shall first obtain a permit from the president of the board; and before the president shall issue any such permit he shall cause such building to be inspected by the chief of the fire department, with three experts to be chosen by them, who shall appraise the damage on the same, and if the fire commissioner appraise the damage to said building to be fifty per cent, of its value before the fire, or more, no permit shall be granted. Any person who shall violate the provisions of this article shall be fined one hundred dollars.

ART. 241. That when any building, awning, shed or other structure of any kind shall, from age, neglect or other cause, become dilapidated, the same is hereby declared a nuisance; and on complaint being made to the president, in writing, by ten or more citizens, that any such building, awning, shed or other structure has become dilapidated and is a nuisance, he shall cause the same to be inspected by the health physician, the city engineer and the chief of the fire department, as a board of inspectors, and if the same be reported by said inspectors, or a majority thereof, to be dilapidated and a nuisance, he shall cause the same to be inspected by the health physician, the city engineer and the chief of the fire department, as a board of inspectors, and if the same be reported by said inspectors, or a majority thereof, to be dilapidated and a nuisance, the president shall lay said report before the board for their consideration and action, and give five day's notice to the owner or agent of said dilapidated building, awning, shed or other structure, to appear before the board and show cause why the same shall not be declared a nuisance and be abated and removed, and if the board shall adopt the report of the inspectors, by a majority of two-thirds of the board, thereupon the president shall, in case that said building, awning, shed or other structure is within the fire limits, cause the same to be pulled down and removed, as he may deem best, giving ten days' notice to

the owner or agent to remove or pull down the same so that the nuisance may be abated; and if said house, awning, shed or other structure be outside the fire limits, the president shall require the owner or agent to repair the same or abate it, giving ten days' notice to the owner or agent to repair or abate the same, so that the nuisance be abated.

ART. 242. And if the owner or agent aforesaid shall fail or refuse to comply with the order of the president contained in said notice, within ten days after service thereof on him aforesaid, whether the building or structure is within or without the fire limits, then he shall be punished by a fine of not less than ten dollars, nor more than one hundred dollars, for every day that he fails to comply with the order of the president.

ART. 243. That whenever any building, or any fire-place, stove or range therein, shall be complained of as dangerous to the contiguous buildings, or likely to cause fire, the same shall be inspected as provided in the preceding article in case of dilapidated buildings; and if the inspectors shall report the building complained of to be dangerous to contiguous buildings, or as likely to cause or promote fires, the president shall notify the owner to repair or remove the same (excepting wooden buildings within the fire limits), and a failure or refusal to obey said notice shall subject the offender to a fine of ten dollars for each and every day he so fails or refuses; and the president shall cause the building to be pulled down or removed at the expense of the owner.

ART. 244. Any person who shall continue in the violation of any of the provisions of the preceding articles of this chapter shall be fined, as therein provided, for each and every day they shall so continue in such violation.

ART. 245. It shall be the duty of the chief of the fire department to enforce all ordinances for the prevention and spread of fires, and the storage of petroleum and combustibles, and to promptly investigate and report the cause or origin of all fires to the board, in writing. He shall inspect all buildings in process of construction or repair, and cause all flues and chimneys to be securely built, in accordance with existing ordinances; he shall be authorized to enter any building

within the corporate limits of the city, and examine the condition of any flues, stove-pipe or chimney therein and require any defect in such condition or arrangement to be promptly corrected.

ART. 246. That it shall be unlawful to build or erect any plank sidewalk or platform within the fire limits of the city; and that the covering or paving of all sidewalks in said fire limits shall be composed of fire-proof material, such as brick, shell, stone, asphaltum, or blocks of wood; and each day such plank sidewalk or platform shall remain after building or erection shall constitute a separate offense, and any person who shall violate the provisions of this article shall be fined five dollars for each and every day so offending.

ART. 247. That it shall be unlawful for any person or persons to erect or build any house or building whatever, or begin to erect or build the same, within the present fire limits of the city of Galveston, or within any other or extended fire limits that may be fixed by any future ordinance, without first obtaining from the city engineer a certificate that the entire area of the lot or part of lot upon which he, she or they intend to erect or build, has been filled to the established grade of the street in front of the lot, and to the established grade of the alley in rear of the same. The city engineer shall keep a book of registration, in which he shall enter in different colums the name of the person applying for the certificate, the number of the block, the number of the lot, the date, and whether granted or refused. Any person who shall violate the provisions of this article shall be fined fifty dollars, and shall be liable to a further fine of ten dollars for each and every day so offending.

ART. 248. In all buildings and offices within the city limits where cotton samples or other similar inflammable material is kept or stored, or in which a business is pursued which causes a risk from fire, there shall be kept, in readiness for immediate use, one or more hydrants with sufficient length of hose to reach any part of the building, or an adaquate number of fire extinguishers, or such other suitable appliances for the extinguishment of fires as may be approved by the chief engineer. Any occupant of such building, offices or premises

failing to comply with the requirements of this article, after ten days' notice so to do, shall be guilty of a misdemeanor, and, upon conviction thereof before the recorder, shall be fined in a sum not less than ten dollars nor more than one hundred dollars.

ART. 249. The chief of the fire department is hereby charged with the duty of executing these regulations by inspection of all such buildings and offices, by giving the prescribed notice when necessary, and causing the arrest and prosecution of all persons failing and refusing to comply therewith.

ART. 250. That it shall be unlawful for any person or persons to erect any buildings in this city without first applying to the president for a permit, which application shall be in writing, giving the number of the lot, the name of the street or alley upon which said building is proposed to be erected, the kind of material to be used in the construction of the same, and the purpose of the said building, and any person who shall obtain a building permit shall commence the erection of such building within six months after the date of such permit, or forfeit any rights he may have by virtue of the same. The application for said permit shall include the probable cost of the building to be erected. It shall be the duty of the secretary to keep a registry of all said buildings. Any person or persons failing to comply with this ordinance shall be fined not less than five dollars nor more than ten dollars for each and every day they continue to construct said building without said permit, or after the forfeiture of the same.

CHAPTER FOUR.

PREVENTION AND EXTINGUISHING OF FIRES.

ART. 251. An alarm of fire shall be given by ringing two or more strokes per second for the space of a minute or more on the market bell, or any church or hotel bell, in the city of Galveston, or any steamboat bell in the harbor, or the alarm bells in each ward.

ART. 251a. Any person who shall make a false alarm of fire, or shall ring or cause to be rung any hotel, steamboat,

church or similar bell, at a more rapid rate than one stroke per second for the space of half a minute or more (except in cases of fire), shall be liable to a fine of twenty dollars or ten days' imprisonment.

ART. 252. That it shall be unlawful for any person or persons to give false alarms from any box connected with the fire alarm telegraph of this city, and any one so offending shall be, on conviction before the recorder, fined as hereinafter provided. That each and every merchant shall be and is hereby required to close all hatchways in his, her or their place or places of business before leaving same at night. A violation of this article shall subject the offender to a fine of not less than ten nor more than one hundred dollars, and, further, to imprisonment for not less than ten nor more than fifteen days, unless said fine and costs be sooner paid.

ART. 253. If any person shall make, cause to be made, or have in his possession an impression or duplicate of any signal box key, without the express permission of the fire commissioner or chief of the fire department, such person shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars, at the discretion of the court.

ART. 254. It shall be unlawful for any person to give, or cause to be given, a false alarm with the intent to deceive, or pull the hook of any station or signal box, except in case of fire, or to tamper, meddle or interfere in any manner with said boxes or any part thereof, or to cut, break or injure, deface or remove any of the said boxes, or any of the wires or supports thereof, connected with any part of said fire telegraph, or to make any connection or communication therewith, so as to interrupt or interfere with the proper working of the same, or with evil intent to injure, break or destroy any machinery or fixture connected with it, unless by permission of the chief of the fire department. Any person guilty of a violation of any of the provisions of this article shall, upon conviction thereof, be fined in a sum not less than five dollars nor exceeding two hundred dollars, at the discretion of the court.

ART. 255. It shall not be lawful for any person or persons to have in his, her or their possession, within the city, any coal, wood, plank, staves, shingles or other lumber, or fuel of any description, combustibles, or any materials that may occasion hazard or danger of fire, unless the same shall be secured in such manner as shall be considered by the president or chief of the fire department to be safe from any danger of fire. Any person or persons refusing to move the said articles, when ordered by the president, shall forfeit and pay the sum of twenty-five dollars for every day such refusal or neglect shall continue.

ART. 256. It shall not be lawful for any person or persons to fire or discharge any gun, pistol, fowling piece or firearms, or to discharge or let off any rocket, cracker, squib or other fireworks in any street, yard, lot, alley, walk or public highway within the limits of the city, or from the door or window of any house or other building, or near any house in any inhabitable part of the city, under a penalty of five dollars for each offense, if the person so offending is over the age of fourteen years; and if under the age of fourteen, then such person's parent or guardian shall pay such penalty; provided, that nothing contained in this article shall prohibit the president of the city from granting special permits to such associations as will, in his judgment, discharge firearms or fireworks without danger to life and property.

ART. 257. It shall not be lawful for any person or persons to carry or cause to be carried in the streets or alleys any burning coals or brands, unless the same be shut up in a covered vessel, and any person offending against the provisions of this article shall be subject to a fine of five dollars.

ART. 258. It shall not be lawful for any person living within the limits of the city to build, or make, or have a fire in his, her or their yard, or in the alleys or streets of said city. And each and every person offending therein shall be subject for each offense to a fine of not more than one hundred dollars.

ART. 259. It shall not be lawful to erect or use any stove or franklin, unless the pipe thereof be conducted into a flue or chimney made of brick or stone. The walls of such flue or chimney shall be not less than four inches in thickness, and

shall be plastered both inside and outside, where passing through woodwork; nor shall any naked pipe be allowed to pass through the floor or ceiling of any building; and in every wooden wall, partition floor and ceiling through which a pipe is to pass, there shall be placed a stone or earthen crock, or double tin or galvanized iron cylinder, through which such pipe shall extend; and between such crock and cylinder and such pipe there shall be a space of at least one inch, and the pipe shall be at least four inches from the wall, partition or any woodwork. No flue shall be constructed within the corporate limits of the city, unless of brick, stone or cement, and not less than four inches in thickness; and it shall be the duty of any owner, mechanic or other person constructing a flue or chimney, to give notice in writing, at the president's office, of the time when such work shall be in process of construction, and stating the number of the lot and block on which the same is to be erected; and it is the duty of the chief of the fire department to examine the same and report any violations of the provisions of this ordinance to the president.

ART. 260. Every violation of this article will be punishable by a fine of not less than five nor more than one hundred dollars, and a failure to remove same, after being duly notified, shall subject the offender to a penalty of five dollars per day for each and every day thereafter.

ART. 261. There shall be imposed a fine of five dollars upon any mechanic, or other person, who shall erect or put up any stovepipe in violation of the provisions of the preceding article.

ART. 262. It shall be the duty of all persons using a stove or stoves in any house, store, shop or building within the corporate limits of the city, to have a platform of stone, brick, sheet iron or earth under the said stove or stoves, extending at least six inches in every direction beyond that part of the lower plate that fronts the door or doors of said stove or stoves; and any person failing to observe or conform to this direction shall be liable to be fined not exceeding five dollars for each and every day the same shall be used.

ART. 263. No person or persons shall be allowed to keep in his, her or their stores, house or houses, or upon their premises, or upon or in any street, sidewalk or alley adjoining to or near said premises, at any one time, a larger quantity than twenty-five pounds of gun or other explosive powder, and provided further, that such powder shall be kept in canisters or kegs; and any person or persons violating this article shall, on due conviction thereof, be fined in a sum of not less than ten nor more than one hundred dollars; and if said fine be not paid, shall be imprisoned for a period of not less than five nor more than thirty days.

ART. 264. That, where any awning is or may be established over the banquette of a street, or any portion thereof, that there shall either be a space left between the top of any public lamp and the roof of any such awning of three feet in the clear, or there shall be an aperture in the roof of such awning, leaving a space of ten inches at least between any opening made or to be made in the awning or roof thereof and the circumference of the globe of any public lamp that is or may be erected in or under such awnings.

ART. 265. That the owner or owners of any and all awnings extending over any banquette, or part thereof, where a public lamp is or shall be erected, shall see to it that article 264 is obeyed and carried out, and shall make, or cause to be made, the necessary elevation or elevations, aperture or apertures, to or in any and all awnings so owned by him, her or them; and, in default thereof, shall be fined not less than ten nor more than one hundred dollars for each and every week such person may neglect to comply with the provisions hereof.

ART. 266. That it shall be unlawful for any person to smoke any pipe, cigar or cigarette, or use fire in any form except in stoves, lanterns or furnaces, on any wharf or levee, or in any warehouse, depot or cotton press or cotton yard, where any cotton bales are stored or in transit, or on any freight car, float or vehicle loaded with cotton bales, within the city of Galveston.

ART. 267. That it shall be unlawful for any person to smoke any pipe, cigar or cigarette, or use fire in any form except in stoves, lanterns or furnaces on deck of any ship, ves-

sel or barge where cotton bales are stored, or in any hold or compartment of any ship, vessel or barge where cotton bales are stored, or being stored, within the police jurisdiction of the city of Galveston, as designated in section 2 of the city charter.

ART. 268. That it shall be unlawful for any person having in charge any steam engine, electric car, or vehicle of any kind whatsoever, to pass over or across any hose belonging to or appurtenant to the fire department of the city of Galveston, or belonging to any person or corporation, when same is being used to extinguish fires, with said steam engine, electric car or vehicle of any kind; and any person violating this ordinance, upon conviction thereof in the recorder's court of the city of Galveston, shall be fined for each offense not less than ten dollars and not more than fifty dollars.

ART. 269. Any person who shall violate any provision of the three preceding articles shall, on conviction thereof, be punished by a fine in any sum not less than ten dollars nor more than fifty dollars.

ART. 270. That where any hotel, theatre, opera house or other building or structure within the corporate limits of the city of Galveston, either already erected and completed or in course of erection, or that may hereafter be erected, which is used, employed or intended for the accommodation of the public and where people in large numbers or crowds are invited or assembled, is so defectively planned or arranged and constructed with reference to the safe and easy exit or escape, in the event of such building or structure catching on fire, of all persons at the time assembled therein, as to render said building or structure unsafe or dangerous to human life or limb, in such an emergency, the same may be declared unsafe and a nuisance; and on complaint being made to the president, in writing, that such building or structure is unsafe or dangerous to human life or limb, and a nuisance, he shall cause the same to be inspected by the chief of the fire department, the city engineer and some architect to be selected by the said president as a board of inspectors; and if the said building or structure be reported by said inspectors, or a majority of them, to be unsafe or dangerous to human life or limb, the

president shall lay said report before the board for their consideration and action, and shall give five days' notice to the owner or agent of such unsafe or dangerous building or structure to appear before the board and show cause why the same should not be declared unsafe or dangerous and a nuisance; and if the board adopt the report of the inspectors by a majority of two-thirds, the president shall require the owner or agent of said unsafe or dangerous building or structure to alter, change, repair or otherwise improve the same in such particulars and to such extent as the said inspectors may in their said report state to be necessary to render the said building or structure safe and easy of exit or escape to all persons who may be assembled therein in time of alarm of fire or other exciting cause, giving to such owner or agent twenty days' notice to make such alterations, changes, repairs or other improvement.

ART. 271. And if the owner or agent aforesaid shall fail or refuse to comply with the order of the president contained in said notice, or in good faith to set about the making of such alterations, changes, repairs or improvements within twenty days after service thereof on him aforesaid, then he shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars for every day that he fails to comply with such order of the president.

ART. 272. It shall be the duty of the harbor master, chief of police and all policemen to strictly enforce the provisions of this chapter by promptly arresting and prosecuting all violations thereof.

CHAPTER FIVE.

OIL AND OIL STORAGE.

ART. 273. It shall be unlawful for any person to keep, store, manufacture, refine or mix or cause or aid or abet in the keeping, storing, manufacture, refinement or mixing for sale, use, or any purpose whatever, in any one place, store, warehouse, building or tenement or upon or in any yard, lot, street, sidewalk, alley, premises or other locality within the corporate limits of the city, in a quantity exceeding eighty gallons any camphene, illuminating or fuel oil or burning fluid, kero-

sene, benzine, benzole, naptha, gasoline or any other product by distillation of coal, coal oil, petroleum, asphaltum or shale of peat or any other inflammable oils or fluids of any kind or nature whatsoever, except as is otherwise provided for in this ordinance; and any person found guilty of violating any provision of this section shall be fined not less than ten nor more than one hundred dollars; and each day upon which this section shall be so violated shall constitute a separate offense.

ART. 274. That any person desiring to store, keep, manufacture, refine or mix for sale, use or any other purpose in any one locality within the corporate limits of the city any of the articles named in the first section of this ordinance, in a quantity exceeding eighty gallons shall cause such locality, its surroundings and all provisions made thereon for the intended purposes to be actually and thoroughly examined, surveyed and inspected by the chief of the fire department and shall obtain from him a certificate that he has actually and thoroughly examined, surveyed and inspected such locality, specifically describing the same and the location and character of the building or premises to be used for such purposes and the character and uses and proximity of the surrounding buildings, if any, within one hundred feet of the place where such article is to be located, and that the premises or buildings in or upon which such article is to be located is provided with suitable tanks, levees, embankments or excavations to keep, store and retain such article and to prevent its overflow or escape, and that the contemplated use of such premises will not endanger the adjoining or other premises, in the event of accident or fire. Such certificate shall also state the nature and capacities of such tanks, levees, embankments or excavations, the nature and quantity of the oil, fluid, or other such article to be kept therein and whether for sale or for whatever other use.

ART. 275. Such certificate of examination, survey and inspection shall be returned to the president of the board of commissioners, who, if he approves the same, is hereby authorized to issue to the person by name, for whom such survey was made, a license or permit to keep, store, manufac-

ture, refine or mix (as the case may be on such premises such articles of the kind and in quantity and for such purposes and in such mode and manner, and under such limitations and conditions only as said president shall deem expedient or prudent; all of which shall be specifically set forth in such license. cense. Such license shall not be transferable, but shall be subject to revocation whenever the licensee shall violate its provisions or any ordinance or other regulation now or hereafter of force, or whenever for other sufficient cause the board of commissioners shall order its discontinuance. During its continuance the person to whom such license is issued may, within its terms, limitations and conditions (but not otherwise, either for himself or any other person), store, keep, manufacture, refine or mix such articles as are therein named. In case the president shall refuse to issue such license as is desired, the person desiring the same may apply to the board of commissioners, who may make such order as they deem proper in the premises.

Every person holding such license shall keep the same hung or posted in some open, conspicuous and convenient place on the premises to which such license applies, so that the same may at any time during business hours be easily seen and inspected, and he shall permit and it shall be lawful for any member of the police force, the police and fire commissioner, the chief or the fire department or any person designated by either of them or by the president of the board of commissioners to enter upon such premises at any time and examine and inspect the same or any part thereof and to take samples of any article found thereon.

ART. 276. No license shall be granted for storing, keeping, manufacturing, refining or mixing any of the articles named in section one of this ordinance upon any wharf nor in any part of a building occupied in whole or in part as a dwelling house, nor above the first floor of any building, unless specially authorized by the board of commissioners.

ART. 277. None of the articles mentioned in article 273 of this ordinance shall, except as by this ordinance is otherwise specially provided, be stored or kept otherwise than in tanks made of metal having a thickness of at least one-eighth

of one inch and a bursting strength of at least one hundred pounds per square inch, and every such tank shall be provided with suitable means properly arranged to safely and easily carry off all gas generated therein and to prevent communication of fire to the contents through supply pipes or otherwise; and no tank having a capacity exceeding fifteen thousand gallons shall be located anywhere within the corporate limits of the city except upon license or permit granted therefor by resolution or ordinance of the board of commissioners.

ART. 278. Such tanks may be located either above or below ground or partly above and partly below ground, and when located wholly or partly above ground they shall be surrounded by suitable excavations or embankments substantially and securely constructed and of capacity at least double the maximum capacity of such tank, and shall be so placed as to allow free access for external inspection of all parts of such tank. If constructed wholly above ground such tank shall be placed at least one hundred feet from the nearest building; if constructed wholly or partly under ground such tank shall be placed at such distance from the nearest building as the license granted may prescribe, in no case to be less than ten feet.

That there shall be at least thirty feet of clear space between each such tank as is contemplated by this ordinance and the nearest tank thereto, whether such tank be of the capacity of 15,000 gallons or less.

ART. 279. No such tank shall be located in or under any street, alley or other highway or enclosure space except by special permit from the board of commissioners and under the following conditions and requirements, viz: The capacity of such tank shall not exceed six hundred and twenty-five gallons; it shall be placed wholly underground, the earth, pavement, or other surface of the street, sidewalk or alley above such tank shall be firmly supported and maintained free from all contact with such tank and without prejudice, danger or damage to or interference with the public travel and traffic along such street or other lawful use thereof, and shall in no way interfere with or obstruct any underground franchise or rights previously granted for water, gas, sewers, lights or

other purposes; nor shall it be located nearer than ten feet to the nearest building or structure; and if any building or structure not existing at the time of placing such tank be thereafter constructed or placed within ten feet of such tank, then the further use of such tank shall be abandoned and the permit or license granted for the location of such tank shall thereupon cease and determine and the owner thereof shall forthwith remove the same at his own expense and restore the ground or place from which it was taken to the condition in which it was before such tank was so located; and in case the owner shall fail or refuse to so remove such tank and restore the ground or place where such tank was located, after notification by the chief of the fire department to do so, he shall be fined in a sum not exceeding one hundred dollars for each day he so fails to remove such tank and restore the ground or place, and the city may cause such tank to be removed and the ground or place where located to be so restored at the cost and expense of the owner of such tank.

ART. 280. All work of excavation for such tank, the construction and placing of same in position and of restoring and maintaining the earth, pavement or other surface of such street, sidewalk or alley shall be done as directed by and under the supervision and control of the city engineer and to his satisfaction and approval before such tank shall be used.

ART. 281. That the board of commissioners of the city of Galveston reserve the right at all times to withhold or revoke any such permit as is provided for in this ordinance, and to further restrict and modify the terms and conditions upon which the same may be used or continued according to the risks in any particular case, and to the demands of the public safety and interests.

CHAPTER SIX.

SPARK ARRESTERS ON VESSELS PROPELLED BY STEAM.

ART. 282. It shall be the duty of every owner, agent, master or captain of any vessel, boat, tug or craft, propelled in whole or in part by steam, and on which any steam engine or steam boiler is, or is used, immediately upon the arrival of such vessel at any wharf, dock or pier within the port of Gal-

veston, to cover all funnels and smokestacks securely with a first-class spark arrester or arresters, and any owner, agent, master or captain failing to comply with the provisions of this article, shall, upon the conviction thereof before the recorder of the city of Galveston, be fined as hereinafter provided.

ART. 283. It shall be the duty of every person owning or operating any steam locomotive, steam engine, donkey engine, or stationary engine, on or about the wharves, piers or levees of the city of Galveston, between 7th street on the east and 35th street on the west, and between the north side of avenue A on the south, and the channel on the north, to cover the smokestacks of each and every such steam locomotive, steam engine, donkey engine, or stationary engine securely with a first-class spark arrester, and any person owning or operating such steam locomotive, steam engine, donkey engine, or stationary engine without so covering the smokestack thereof, upon conviction thereof before the recorder of the city of Galveston shall be fined as hereinafter provided.

ART. 284. It shall be the duty of every owner, agent, master or captain of any vessel, boat, tug or craft, immediately upon its arrival in this port, to compel its fire hose and have the same ready for immediate use at all times while in this port and sufficient steam shall be kept up night and day on the donkey engine, or on one of the main boilers to enable a full stream of water to be turned into any compartment of such boat, tug, vessel or craft at any time; and, in the event that such vessel, boat, tug or craft shall not be provided with sufficient hose to reach each and every hatch of said vessel, boat, tug or craft, then it shall be the duty of the owner, agent, master or captain thereof to immediately supply said vessel, boat, tug or craft with sufficient hose so to do, and any failure to comply with either of the provisions of this section shall be punished as hereinafter provided.

ART. 285. It shall be the duty of every agent, owner, master or captain of any vessel while loading or discharging a vessel in this port to protect or have protected all hatchcombings so that the cargo as loaded or unloaded shall not come in contact with the combings. Failure so to do shall be punishable as hereinafter provided.

ART. 286. It shall be unlawful for any person to smoke any pipe, cigar or cigarette on the deck or in the holds of any vessel while loading in this port. Any violation of this provision shall be punished as hereinafter provided.

ART. 287. It shall be unlawful for any person to have, carry, take or use any light, lantern in the hold or holds of any vessel loading or unloading in this port, except such light be a closed and locked lantern; and any violation of this provision shall be punished as hereinafter provided.

ART. 288. It shall not be lawful while any vessel is engaged in loading cotton, or before her load is complete, in this port, for any person to paint in or about any part of any hold of said vessel; and any person violating this provision shall be punished as hereinafter provided.

ART. 289. It shall be the duty of every master of any vessel while in this port, and while loading or unloading, to see that, as soon as work is stopped for the day, all hatches are put on and covered with tarpolins; and, any master violating this provision shall be punished as hereinafter provided.

ART. 290. It shall be the duty of every master, captain, agent or owner of every vessel of every sort and description, while loading or unloading in this port, to place and keep at or near each hatch or barrel filled with water, to be used only in case of fire, to which said barrel shall be attached two buckets, to be used only in case of fire; and any master, agent, owner or captain of any vessel loading or unloading in this port violating the provision of this section, or failing to comply therewith, shall be punished as hereinafter provided.

ART. 291. Any person violating any provision of this chapter shall, upon conviction of such violation before the recorder of this city, be punished by a fine of not less than five dollars ($5) nor more than fifteen dollars ($15).

ART. 292. That it shall be unlawful for any person to have, hold or carry upon any wharf, pier, dock or levee of the city of Galveston, or any other place where there may be cotton stowed or placed for shipment, any match or matches, unless the same shall be inclosed in a metal box or case. Any person violating the provisions of this article shall be, upon conviction

of such violation before the recorder of the city of Galveston, fined in a sum not less than five dollars nor more than twenty-five dollars.

CHAPTER SEVEN.

ERECTION OF FIRE ESCAPES.

ART. 293. That all buildings, except such as are used as private residences exclusively, situated within the limits of the city of Galveston, of three or more stories in height, and used or occupied by ten or more persons, or in which ten or more persons may be employed or engaged, shall be provided with at least one fire escape on each and every outside wall thereof, whether said wall be on the street or on the alley in said city.

ART. 294. Said fire escape shall be constructed of steel or iron, and firmly attached to the said buildings; and shall be so arranged and constructed that safe access may be had thereto from each and every floor above the first or ground floor. And said fire escapes shall be so constructed as to sustain a weight of at least five thousand pounds, and in a good and substantial manner, subject to the approval of the chief of the fire department.

ART. 295. It shall be, and is hereby made, the duty of the chief of the fire department of the city of Galveston to inspect and examine all such buildings, within the limits of the said city of Galveston, acting within the provisions of this ordinance. And upon finding that any such building is without a fire escape, said chief may, and it is hereby made his duty, by written notice served upon the owner, lessee or occupant of any such building, by leaving with such owner, lessee or occupant, at his or their residence or place of business, a copy of such notice—to require such owner, lessee or occupant, or either of them, to cause such fire escape to be placed upon such building within thirty days from and after the service of such notice; provided, however, that all buildings more than two stories in height and used for manufacturing purposes, shall have one suitable fire escape for every twenty-five persons or more employed above the second story.

ART. 296. Any owner, lessee or occupant, or either of them, of any building now constructed within the limits of the city of Galveston who shall refuse to provide fire escapes in the number and of the construction herein provided for, within sixty days after the service of notice provided for in the preceding section, shall be deemed guilty of a misdemeanor; and upon conviction thereof, before the recorder of this city, shall be fined in a sum not less than ten dollars ($10) nor more than fifty dollars ($50); and each day that any building, after the limit herein provided, shall be allowed to remain without such fire escapes, shall constitute a separate offense.

ART. 297. It shall be unlawful to hereafter erect in this city any building of the description herein contained, without providing said building with fire escapes in the number and of the construction herein provided; and the erection of such building, without such fire escapes, shall be deemed a misdemeanor, and the owner of such building, upon conviction thereof, before the recorder of this city, shall be fined in a sum not less than ten dollars ($10) nor more than fifty dollars ($50); and each day that any such building is allowed to remain without such fire escapes, shall constitute a separate offense.

CHAPTER EIGHT.

SMOKE STACKS.

ART. 298. That whenever within the fire limits of the city of Galveston, there is erected any smokestack or pipe from which there is emitted smoke from any boiler, engine, or pipe, laundry or steam or electric generating machinery, such pipe or stack shall be raised to a sufficient height to carry the smoke discharged therefrom, above and over adjoining buildings and buildings within a distance of three hundred feet from said pipe or stack.

ART. 299. A failure to so erect any such pipe or stack within the fire limits, shall be deemed a misdemeanor and, upon conviction thereof before the recorder of the city of Galveston, the owner or lessee of the building in which said stack or pipe is erected shall be fined in a sum not to exceed

twenty-five dollars for each day which said pipe or stack is allowed to remain in a condition violative of the provisions of this ordinance.

ART. 300. All pipes or smoke stacks heretofore erected and now within said fire limits are hereby declared to be nuisances and thirty days from the passage of this ordinance is hereby given within which to erect or repair the same in accordance with the provisions hereof; and any person, firm or corporation owning or controlling such a pipe or smoke stack and failing to bring the same within the provisions of this ordinance within the time herein specified, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed twenty-five dollars, and each day after thirty days from the passage hereof which any such pipe or stack is allowed to remain shall be deemed a separate offence.

TITLE VII.

Markets.

CHAPTER ONE.

RULES AND REGULATIONS.

ART. 301. All butchers' meats of every kind—that is to say, fresh beef, veal, mutton, pork and the like, shall be brought to the present markets, and such other markets as may from time to time be established by the board, to be sold and disposed of; and every person who shall sell, expose or offer for sale any of the above mentioned meats in the streets, or elsewhere than in the said market or markets, without permission of the board, shall be subject to a fine of not exceeding twenty dollars for each and every offense.

ART. 302. That from the first day of April until the first day of October in each year the markets for the sale of meats, vegetables, fish and other articles shall not be open be-

fore the hour of three o'clock a. m., and shall be closed at nine o'clock a. m.; and from the first day of October to the first day of April said markets shall not open before the hour of four o'clock a. m. and shall be closed at ten o'clock a. m. The closing of the market shall be announced by the market bell, which it shall be the duty of the chief of police to cause to be rung; and any person selling meat, vegetables, fish and other articles in said markets when the same are not open in conformity herewith, shall be liable to a fine not exceeding ten dollars for each offense; provided, that nothing herein contained shall prevent butchers from bringing meat to market and cutting up the same before the opening of the markets, or prevent those from vending vegetables, fish and other articles from bringing the same to said markets before the opening thereof.

ART. 303. The stalls in the city markets shall not (without the permission of the board) be used for sale of anything except butchers' meats, vegetables, fruits, fish, game, poultry and eggs; and any person violating the provisions of this article shall incur a penalty of not exceeding twenty-five dollars for each and every offense.

ART. 304. The board shall annually, in the month of November, appraise and fix the minimum rent to be paid per annum for the stalls and stands in the city markets, specifying the respective value of the stalls for meat and vegetables, and the stalls and stands for fish, coffee, etc., and shall cause said appraisement to be entered on the journal of their proceedings; and it shall be the duty of the city collector, on the fifteenth day of December (or, if the same shall be on Sunday, then on the next preceding day), in each and every year, after having given at least ten days' public notice, by advertisement, to proceed to rent the said stands and stalls at public auction, to the best and highest bidder therefor, over and above the minimum value assessed and fixed by the city council, for one year from the first day of January thereafter; but no bid shall be received from, and no stand or stall rented to any person or persons then owing rent to said city for any stand or stall. The rent for such stands or stalls shall be payable monthly in advance, and in letting

the same the city shall reserve the right of terminating any lease in case of default in the punctual payment of any installment of rent, and of immediately taking possession of any stand or stall for which the same is due. The person renting said stands or stalls, at the time of renting the same, shall pay to the city collector the amount, if any, bid over and above the minimum value fixed by the board. At the time of renting the stalls the city collector shall require the person who bids off a stall to pay one month's rent, to be applied as part payment of the rent therefor, and the money so paid shall be forfeited to the city in case such person shall fail to take such stall. And if any bidder shall fail to pay such sum, as herein provided, the city collector shall immediately sell the stall again, commencing at the next highest bidder. And no lessee of any stall shall be allowed, under any circumstances, to sublet his stall, or any portion thereof, to any other person or persons, without the consent of the board. Whenever the rent, or any part or installment thereof, for any stand shall be due and unpaid, the lease for such stand or stall shall at once cease and terminate, and the city collector shall give notice thereof to the chief of police, who shall immediately take possession of such stand or stall and hold the same for the city, and thereupon the city collector shall post a notice upon such stand or stall, declaring the same to be vacant, and shall proceed to rent the same for the unexpired term; provided, that persons who have rented stalls and stands, and occupied the same for a year or more, shall have the privilege of renewing their lease from year to year upon application to the city collector and paying the rent in advance; provided, the lessees are not in arrears to the city for stall rent.

ART. 305. That the board shall, on the first day of January of each and every year, unless the same shall happen to be on Sunday (in that case on the Saturday preceding), contract with some competent person or persons to clean and light the first and third ward market houses at such rates of compensation as may be agreed upon; provided, that for the first ward market the compensation shall not exceed nine hundred dollars per annum, and for the third ward market

twelve hundred dollars per annum. And the contractor or contractors shall be required to give bonds in the sum of five hundred dollars for each of said markets, for the faithful performance of the contract or undertaking.

ART. 306. It shall not be lawful for any person or persons to stop or encumber the streets or passage ways in or about the market with stands, tables, vehicles, or in any other manner, except in those cases where the privilege to do so is granted and rented by the board or by its authority, and it shall be unlawful for any person to injure, swing upon or otherwise interfere with the ropes, tackle or other articles belonging to the butchers or other persons in the city market. It shall be unlawful for any person who shall occupy any of the stalls in the markets, or any other person, to chop on any of the planks used for counters. It shall be unlawful for any person or persons to occupy any stand or stall in the markets without first having paid the rents on same. Any person who shall violate this article shall be fined in any sum not more than ten dollars.

ART. 307. Whensoever any person or persons may desire to establish a private market for the sale of fresh meat within the corporate limits of the city of Galveston, said person or persons shall make application in writing to the board for the privilege, stating the length of time and the place where said market is to be established. The time for which said market privilege is granted shall be for not less than three months and not more than twelve months. And if such privilege is granted by the board, in whole or in part, each and every person, or firm of persons, occupying such market for the sale of fresh meat, shall pay the sum of twenty-five dollars per annum, quarterly in advance, and shall cause to be posted, in a conspicuous place in said market, a receipt for such payment. All private markets shall be governed by and stand under the ordinances, rules and regulations of the city, and all market privileges hereafter granted shall be for a term not to extend beyond the next first day of January succeeding. Any person who shall establish a private market without complying with this article, or shall violate any provision of the same, shall be fined in any sum

not less than ten dollars nor more than fifty dollars for each and every offense, and each day that any of the provisions of this article are violated shall constitute a separate offense.

ART. 308. That all persons are forbidden to stand, sit or lie on the stands or stalls of the market under a penalty of five dollars for each offense; and that any person who shall disobey any order of the market inspector, or any officer of the police, which he is hereby authorized to make, regulating said markets, shall be fined ten dollars.

ART. 309. That it shall be the duty of the market inspector and officers of the police to see that no offense is perpetrated against the occupants of stalls, stands or tables in any of the markets; to keep order in the market; to arrest all persons who disturb the public peace, and to conduct them before the recorder, to be punished according to law.

ART. 310. That all vendors of meats, fish, vegetables, fruits, etc., within the limits of said markets shall be required to throw the daily refuse of their stalls and stands into barrels or tubs, to be provided by the said vendors, which shall be disposed of as in case of other daily offal. That any vendor in said markets who shall throw, or cause to be thrown any meat, fish, vegetables or fruit, whether decayed or otherwise, into any of the streets or guttters adjoining said market, shall be liable to a fine of not less than five nor more than twenty dollars for each offense.

ART. 311. That no private market for the sale of fresh meat or fish shall hereafter be established within the following boundaries of the city of Galveston, to-wit: Between Fifteenth street on the east and Twenty-fifty on the west, and between Avenue K on the south and the channel of Galveston bay on the north; provided, however, that all renters of stalls for the sale of fresh meats or fish in the third market house may, on application in writing to the board for privilege, keep open market for the sale of fresh meats or fish, at their respective places of business within said limits, during and after the market hours prescribed in article 302 of this chapter. Any person violating the provisions of this article, by selling either fresh meats or fish within the limits herein stated without the permission of

the board to do so, which shall be given whenever such person shall apply therefor, showing that payment of stall rent in the third ward market for one year has been made to the city of Galveston, shall be fined in the sum of fifty dollars for each day on which such sales shall have been made.

ART. 312. That whensoever any person or persons may desire to establish a private market, stand or stall for the purpose of selling vegetables within the following boundaries, to-wit: Between Fifteenth street on the east, and Twenty-fifth street on the west, and Avenue K on the south, and the channel of the bay on the north, said person or persons shall make application in writing to the board for the privilege of establishing such market or stall, stating the locality and the length of time for which said privilege may be granted.

ART. 313. That any person or persons who shall establish a private market without complying with the preceding article, or shall violate any provisions of the same, shall be fined in any sum not less than five dollars nor more than ten dollars for each and every offense.

ART. 314. That this ordinance shall apply to all persons who may desire to sell vegetables, game or fish from carts, wagons or other vehicles, within the boundaries named in article 311 of this ordinance.

ART. 315. Any person violating any provision of this chapter wherein some other penalty is not affixed, shall be fined in any sum not less than ten dollars, and an additional sum of five dollars for each day the offense shall continue.

ART 316. That hereafter it shall be unlawful for any person to retail fish between the hours of three and nine o'clock a. m. at any place within the limits prescribed in article 311, except in a stall or place rented for that purpose in the city hall market house, after having paid rent therefor. Any person who shall violate the provisions of this article shall, on conviction, be fined not less than five nor more than fifteen dollars, and each and every day any such violation shall continue or occur shall constitute a separate offense.

TITLE VIII.

Ordinances.

CHAPTER ONE.

RULES CONCERNING.

ART. 317. No ordinance shall be amended by its reference to its title and date and the number of the section or article, or by reference to the subject matter only, but the particular article or section designated to be amended shall be re-ordained at length, incorporating the amendments.

ART. 318. Words used in ordinances or resolutions in the past or present tense shall also include the future; the masculine gender shall include the feminine and neuter; the singular number shall include the plural and the plural the singular. The word person includes a corporation; the term writing includes printing. The word "council" or "city council" shall mean the "board of commissioners." The word "board" shall mean the "board of commissioners." The word "president" shall mean the "president of the board of commissioners." And the words "assessor" or "collector" shall each mean "the assessor and collector." The word "city clerk" shall mean the "secretary." The word "mayor" shall mean the "president of the board of commissioners."

FRANCHISES.

ART. 319. No franchise, or right in relation to any highway, avenue, street, lane or alley either on or above or below the surface of the same or in relation to any island or land, whether covered by water or not, that may belong to or be claimed by the city of Galveston, shall be granted to any person or corporation for a longer period than fifty years, nor without provisions made in such grant by way of forfeiture thereof or otherwise for the purpose of compelling compliance with the terms of such grant and to secure

efficiency of public service at reasonable rates and the maintenance of the property in good condition throughout the full term of the grant; nor shall such grant be made or considered by the board until it is distinctly specified and embodied in the form of a brief advertisement and ordinance directing such advertisement to be published at the expense of the applicant for at least three days in the official journal of the city, and before the passage of such ordinance directing such advertisement, the proposed specific grant shall also be embodied in the form of an ordinance wherein in addition to the grant itself and all terms and conditions desired in relation thereto, it shall be distinctly provided, (a) that the city does not part with but expressly reserves the right and duty at all times to exercise in the interest of the public full superintendence, regulation, and control over the subject of the grant, and especially in respect to all matters connected with the police powers of said city; (b) ample provision by way of forfeiture of the grant or otherwise for the purpose of compelling compliance with the terms of the grant and to secure efficiency of public service at reasonable rates and the maintenance of the property in good condition throughout the full term of the grant; (c) full and specific provisions as to rates, fares and charges if the grant provides for or contemplates the charging of rates, fares and charges. No such grant shall be made until such ordinance, in due and complete form, is presented to the board, accompanied by written application signed by the person seeking the grant and stipulating and agreeing to abide by, observe and perform all rules and regulations made or to be made concerning the subject of the grant, its uses and maintenance whether with reference to rights of the city or of the public touching the property or land affected or otherwise.

TITLE IX.

Police Department.

CHAPTER ONE.

ORGANIZATION.

ART. 320. That there is hereby created and established in and for the city of Galveston, a police department, to be composed of a chief of police, two sergeants, and such number of patrolmen or policemen as the board may deem necessary, said officers and members of said police department to be appointed, and their compensation and duties to be fixed, defined and regulated as provided by the provisions of the city charter.

ART. 321. In case of the absence, sickness, suspension or other disability of any member of the police department, the chief of police shall have the power to appoint supernumerary officers, as substitutes therefor, who shall take the oath of office prescribed herein for other officers, and perform such duties as may be required of them by the chief of police, and shall receive the same pay as regular policemen while on duty.

ART. 322. The chief of police shall have the power to suspend any officer or subordinate in the police department, for disobedience of orders, insubordination, neglect of duty, or any other violation of the rules of the department, and during such suspension he shall fill the vacancy, if necessary, by temporary appointment, until the matter of such suspension can be acted upon by the police commissioner, to whom he shall immediately report the same, with his reasons for his action.

CHAPTER TWO.

DUTIES AND POWERS OF POLICEMEN.

ART. 323. It shall be the duty of the policemen of the city to be obedient to orders and directions of the president, com-

municated to them through the chief of police, or in person, or delivered in writing, and to keep a faithful watch and ward in the districts which may be assigned them; and it shall further be the duty of each of them, upon the discovery of fire, to give the alarm thereof immediately, and to ring the alarm bell at the market house; and it shall further be the duty of said policemen, and each and every one of them, to apprehend and detain all offenders against the peace, and all persons who may obstruct and endanger them, or any of them, in the execution of their office, or who shall be guilty of any disorderly conduct, or shall be engaged in any riots, unlawful assemblages, outcries, noises or other disturbances whatsoever, or who shall aid, abet or assist others in the commission of either of said offenses; and for this purpose the said policemen, and either of them, are authorized to enter any dwelling house, store, grocery or other building where any person may take refuge or be, who have during the night, in their presence or hearing, committed any felony or breach of the peace, or where any felony or breach of the peace is about to be committed, or where any noise, or alarm, outcry or disturbance shall be made, in like manner as the president, policemen, constables and other peace officers are authorized by law.

ART. 324. It shall be unlawful for any person or persons to obstruct, prevent or interfere with, or attempt to obstruct, prevent or interfere with the chief of police, or other police officer, in the lawful discharge of his duty within the limits of the city of Galveston; and any person or persons convicted of so offending shall be fined in a sum of not exceeding one hundred dollars, and not less than ten dollars for each and every offense, to be recovered before the recorder of said city.

ART. 325. The chief of police shall assign to each policeman his round and duty, and may order any of them to render service in any ward wherever, in his opinion, the occasion shall require it; he shall report monthly to the board the time actually served by each policeman, the time absent, and such other information as he deems proper, or as may from time to time be required by the board. He shall also see

that the policemen are provided with the proper arms and equipments which the emergency shall require, and that they perform their duties, and shall report every failure promptly to the president, whose orders as to police service he shall, as far as practicable, cause to be faithfully executed.

ART. 326. Whenever any penalty or fine is imposed for a violation of an ordinance in this city, it shall be the duty of the chief of police to cause the same to be enforced.

ART. 327. It shall be unlawful for any person or resident of Galveston to make use of or blow a whistle similar to that used by the city police (with a pea in the end of it), and that any person or persons caught in this act shall be fined not less than five dollars nor more than one hundred dollars.

CHAPTER THREE.

RECORDER'S COURT.

ART. 328. Proceedings before the recorder for violations of the city ordinances or laws shall be instituted or commenced by filing a written complaint, specifying the charge made against the person accused with reasonable certainty, which information or complaint shall be sworn to, unless the same be made and presented by an officer of the city government, in which case it need only be in writing.

ART. 329. The appearance of the person accused to answer said charge shall be coerced by a summons, or a warrant of arrest, as, in the opinion of the recorder, the exigency of the public service may require, which process shall be executed by a policeman of said city in a like manner as process from a justice's court; provided, however, that nothing herein shall be so construed as to prevent any policeman of the city making arrest without process for any breach of the city laws, committed in his presence and view, or in any of the contingencies in which a sheriff, coroner or other executive officer of the State would, by the laws of the State, be justified in so doing.

ART. 330. The secretary shall keep a docket, in which he shall enter all informations and complaints made before the recorder for infractions of the city ordinances, entering

the substance thereof and the time when made or filed, the process issued thereon, when the same is returnable, and the return thereof, and he shall also enter the time of the trial of such information or complaint, and the judment of the recorder thereon.

ART. 331. Process to compel the appearance of witnesses shall be issued by the recorder upon the application of the complainant or informant, or of the person charged, in the same manner as like processes or trials before the justice of the peace, which process shall be served by a policeman, or by the parties who shall apply therefor; provided, that returns of service, when made by persons other than the policeman, shall be under oath.

ART. 332. Upon all trials of such complaints or informations before the recorder, if either party, that is to say, the complainant or informant on the one side, or the person accused or charged upon the other, shall demand a trial by jury, it shall be the duty of the recorder to issue his writ to a policeman to summon a jury conforming in all things, as well with respect to the qualifications of the persons selected to act as jurors, as the summoning and impaneling and the compensation of such jurors, to the statutes of the State of Texas regulating juries in the courts of the justices of the peace.

ART. 333. The recorder shall be, and is hereby authorized, in the exercise of a sound discretion, to suspend the collection or inflicting of any pecuniary or other penalty, until after the next meeting of the board, when he shall report the case, together with the alleviating circumstances thereof, for the action of the board.

ART. 334. Whenever any fine shall be imposed on any person for the violation of any ordinance of the city, and the fine and costs therein adjudged shall not be paid, the person upon whom such fine is imposed shall be confined in prison at the rate of one dollar per day until said fine and costs are paid, or the recorder may, in his discretion, enter such penalty in the alternative, naming the term of imprisonment in case of non-payment, not to exceed the rate herein named.

ART. 335. The minimum fine imposed by the recorder shall not be less than one dollar in any case; and in all cases where no penalty is fixed for the violation of any provision of the ordinances of the city, the recorder is authorized to impose a fine not exceeding ten dollars.

ART. 336. That all offenders against any ordinance of this city, found guilty by the recorder thereof, and who may hereafter be sentenced to imprisonment, shall be compelled to labor on the streets and alleys of said city, or on any public work thereof, that is to say, from 8 o'clock in the forenoon until 12 m. or noon, and from 2 o'clock p. m. until 6 o'clock p. m., of each and every day, other than Sunday, for the period provided for his, her or their sentence; provided, that, in case of refusal to work (except for actual sickness) or for any refractory conduct, the chief of police is authorized to place upon such offender a ball and chain, and in that condition said offender is to be made to work; provided, further, that in case of a continued refusal to work, said offender shall be further punished as is hereinafter provided.

ART. 337. That, in compelling obedience to provisions of the preceding article, the chief of police, or any police officer of said city, may use such reasonable force as will not amount to cruel or unusual punishment; but great care shall be taken, in all cases, of the health and comfort of all prisoners, and especially of those not sentenced to imprisonment.

ART. 338. That, in case any person legally imprisoned, or sentenced to labor upon the streets, shall escape, or refuse, except for sickness, to perform such labor, the period elapsing between his escape or his refusal to work, as aforesaid, and the time he is retaken or returns to labor, shall not be computed as a portion of the term of his punishment; and any person escaping from imprisonment may be again arrested without warrant, notwithstanding the term for which he was imprisoned may have expired at the time he was so rearrested.

ART. 339. It shall be the duty of the officer having in charge any offender who may have escaped or refused to work upon the streets, after having been legally sentenced to such punishment, so soon as the number of days of his original

sentence shall have expired, to take such person before the recorder, whose duty it shall be to inquire into the facts of such escape or refusal to labor, and to that end to hear evidence, if offered, as in other cases, both for and against the accused; and in case it shall be found that, in consequence of said escape, or unlawful refusal to work on the streets, any part of his original term of punishment has not been fulfilled, said offender shall be sentenced to imprisonment or labor, as the case may be, a sufficient number of days to complete said term.

CHAPTER FOUR.

CONCERNING JURY FEES.

ART. 340. That it shall be the duty of the secretary to issue jury scrip to any juror serving, or remaining unpaid for services rendered as a juror at any time within the last year, in any recorder's court of this city, or which may hereafter be rendered by any juror in such court or courts, at the same rates that jurors receive in the justices' courts; and that such scrip shall be drawn on the chief of police, and shall be paid by him out of any funds which are or may come to his hands from fines, jury fees or penalties collected by him, and all such scrip, paid or taken up by him to any juror, may and shall be turned in by him in settling his accounts with the treasurer.

ART. 341. No officer shall traffic in the same, directly or indirectly, or in any manner acquire an interest in such scrip, either by direct or indirect purchase or contract.

CHAPTER FIVE.

COSTS TO BE CHARGED AND COLLECTED IN THE RECORDER'S COURT, AND THE MANNER OF COLLECTION AND DISPOSITION THEREOF.

ART. 342. That of and from any person who may hereafter be arraigned in the recorder's court for a violation of any law or ordinance of the city of Galveston, or of the State, and adjudged guilty thereof, there shall be taxed in the cause and charged to and collected from every such person who may be defended therein—whenever all or any of the following

proceedings are had or process issued—the following costs, respectively, for such proceedings or process, to-wit:

Docketing cause, twenty-five (25) cents.
Filing papers, each ten (10) cents.
Entering appearance, each, fifteen (15) cents.
Entering continuances, each, twenty-five (25) cents.
Swearing witnesses, each, ten (10) cents.
Oaths and certificates, each, twenty-five (25) cents.
Entering recognizances, each, fifty (50) cents.
Swearing jury and entering verdict, fifty (50) cents.
Entering orders, each, fifty (50) cents.
Entering judgment, fifty (50) cents.
Entering plea, seventy-five (75) cents.
Entering motion, ten (10) cents.
Taxing costs, twenty-five (25) cents.
Entering judgment nisi, fifty (50) cents.
Issuing capias or warrant of arrest, fifty (50) cents.
Issuing attachments, fifty (50) cents.
Jury fee, three (3) dollars.
Jury fee—Commitment, one (1) dollar.

ART. 343. That the costs hereinbefore provided for, or so much thereof as may be incurred in any case, shall be included in and constituted a portion of the judgment rendered, and shall be collected by the chief of police and by him paid into the city treasury for the use and benefit of the city.

ART. 344. The provisions of the foregoing article shall be applicable to the violations of the city ordinances, and of misdemeanors or offenses under the State laws which the recorder has, as ex-officio justice of the peace, jurisdiction to hear and determine.

ART. 345. That in all cases of conviction before the recorder, the chief of police is charged with the duty of enforcing the judgment of the court, either by collection of the fines and costs or by the confinement of those convicted in accordance with the ordinances of the city, should they fail or refuse to pay the fines and costs adjudged against them.

ART. 346. All costs earned by any member of the police department in any case before any justice of the peace shall be collected and paid into the city treasury by the chief of police.

CHAPTER SIX.

OFFENCES AGAINST PUBLIC PEACE.

ART. 347. It shall be the duty of every keeper of a coffee house, restaurant, grog shop, or tippling house, the proprietor or keeper of all billiard tables, nine or ten-pin alleys, and of every other person or persons keeping a public house, to keep good order within the same, and to prevent all persons who may be therein from disturbing the peace and tranquility of the neighborhood by cries, vociferations, songs or any noise or disturbance whatever; and every person keeping any of the above enumerated houses, who shall permit or tolerate such disorder within his or her house, shall be subject to a fine of not less than ten dollars nor exceeding one hundred dollars; and in every case where from repetition of such disorders, noises or disturbances, such house may be considered, in the opinion of the president, an ill-governed and disorderly house, and tending to the disturbance of the public peace and tranquility of the neighborhood, the president may, upon complaint, revoke any license which may have been issued to the keeper thereof, and if such person be aggrieved by the action of the president in the premises, he may appeal to the board.

ART. 348. Any person who shall be guilty of fighting, striking, assaulting, assault and battery, or of any unlawful violence upon the person of another, or of quarreling, or any riotous, disorderly conduct, in the streets, houses, or elsewhere within the limits of said city, or shall be guilty of abusing, provoking or disturbing, either by words or action, any person or persons going or walking in any street, road or public way, or elsewhere, or shall show or expose in public any sign, writing, drawing, print, caricature, statue, or other object which may excite scandal, or disturb the public peace; or shall break down, disturb, or injure, or carry away, any fence, or any part thereof, or the steps, or the doors of

houses, without being authorized by the owners; or shall deface, break, or carry away, any signboard or plate indicating the occupation or business of any person; or shall intrude or trespass upon the premises of another without consent of the owner or occupant, he, she or they so offending against any of the provisions hereof shall, for each and every offense, be subject to a fine of not less than five dollars nor more than one hundred dollars, to be recovered before the recorder or any court of competent jurisdiction; and such person so offending shall moreover be liable to be required to give a bond for his, her or their good behavior, and to keep the peace for a term of not less than twelve months; provided, the bond so required shall not be less than one hundred dollars, nor more than five hundred dollars.

ART. 349. If any person or persons shall insult, disturb or molest any religious meeting assembled for worship, or any other meeting assembled for any other purpose, connected with religious, benevolent, educational or other like lawful purpose, by any riotous or disorderly conduct, in or near the place where such meeting is being held, by any noise, tumult, loud cries, vociferations, blowing of horns, singing or making any other noise or disturbance whatever, with the intent or purpose to interrupt, harass, vex, annoy or interfere with such meeting, he or they so offending shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, and may be imprisoned not exceeding thirty days, or by both fine and imprisonment, at the discretion of the recorder; and it is hereby made the duty of the chief of police, and of every other officer of the city police, upon view of the commission of any offense provided against in this article, to arrest the offender or offenders, and take him or them before the recorder, and enter the complaint against them; provided, that all complaints for violation of this article be made within thirty days after the commission of the offense.

ART. 350. All vagrants, idle or disorderly persons, all persons of evil life or ill-fame; all such persons as have no visible means of support, or are likely to become chargeable to the city as paupers; all persons who may be found begging,

or drunk in and about the streets, or loitering in and about tippling houses, and who can show no reasonable course of business in the city; all who have no fixed place of residence, but who are found strolling and wandering about; all who are grossly indecent in language or behavior publicly in the streets; all public prostitutes, or such as lead a notorious, lewd or lascivious course of life, and all professional gamblers, shall be deemed and considered offenders against the peace and good order of the city; and it shall be the duty of the chief of police, and all other police officers of the city, to arrest all such persons as aforesaid, and take and carry them before the recorder for examination; and if, upon examination, the person or persons so arrested, shall be found to have violated any of the provisions of this article, such person shall be fined in any sum not exceeding ten dollars, and shall be further required to give security, to keep the peace, and be of good behavior, for a reasonable time, not exceeding twelve calendar months; and, moreover, to indemnify the said city against any charge for his, her or their support; and in case of refusal or inability to pay such fine or to give such security, the person or persons so refusing, or found unable, shall be committed to some place of confinement for a limited time, not exceeding fifteen days, according to the nature of the offense, unless the fine be paid and the security required be sooner given; provided, that the security required shall, in no case, exceed five hundred dollars.

ART. 351. That any person found sleeping in any street, alley or any of the public grounds of the city of Galveston; or in any empty goods box, crate, barrel, hogshead, cask or thing of like kind that may be upon or in any street or alley or any of the public grounds of said city; or in any railway car with the limits of said city; or upon any of the wharves within the limits of said city; or within any saloon, barroom, variety theater or tippling house within the limits of said city; or in any public place within the limits of said city where people habitually resort for the purposes of business or amusement, shall be deemed guilty of loafing, and,

upon conviction thereof, shall be fined not less than one dollar nor more than twenty-five dollars.

ART. 352. It shall be unlawful for any person or persons to keep a bawdy house or house of ill-fame, or any house which persons may frequent for purposes of prostitution or assignation, or any house used for the purpose of smoking opium, within the limits of the city. Any person who shall violate the provisions of this article, or either of them, shall be fined in any sum not less than twenty-five dollars and not more than one hundred dollars.

ART. 353. Any person or persons who shall rent or lease any house, room, tenement or premises to be used for any of the purposes named in the preceding article, or shall rent the same to any prostitute, bawd or person of ill-fame, or generally known to be of such character, and plying her vocation as such therein, shall be fined in any sum not less than twenty-five dollars and not more than one hundred dollars.

ART. 354. If any person or persons shall play at any tavern, inn, storehouse, house for retailing spirituous liquors, or any other public house, or in any street, alley, or in any other public place, or in any out-house, at any game or games with cards or dice, for money or other valuable consideration, he or they shall be fined in any sum not less than ten dollars nor more than twenty-five dollars.

ART. 355. No person or persons shall give a public ball, or have public dancing upon premises under their control, within said city, unless they shall have first obtained from the police and fire commissioner and chief of police of said city a license to give such ball, or to have such dancing, and shall also have filed such license in the office of the chief of police at least six hours before the commencement of such ball or dancing. No such license shall be granted, unless the person or persons applying therefor shall first pay to said chief of police a license fee of five dollars, and every such license shall be for one such ball, or dancing, and shall specify the time and place of giving or having the same. Any person or persons who shall give a public ball or have public dancing, as aforesaid, without having obtained and

filed said license, as hereinbefore provided, shall be liable to a fine of not less than ten nor more than fifty dollars.

ART. 356. It shall be the duty of the chief of police to cause one or more policemen to be in attendance at all such balls and public dancing, for the purpose of preserving order, and the person or persons giving such ball or public dancing for each policeman in attendance shall pay to the chief of police the sum of two and a half dollars, which shall be applied to the payment of such policeman for such special service.

ART. 357. Should any riot or disturbance of good order take place at any such ball or dance, unless it be immediately suppressed, it shall be the duty of the officers in attendance to cause the same to be closed forthwith, and any proprietor or proprietors of any public ball or dance house failing or refusing to comply with the provisions of this article, shall be liable to a fine of not less than ten nor more than fifty dollars.

BAR ROOMS.

ART. 358. It shall not be lawful for any owner, proprietor or agent of any establishment in the city of Galveston, by whatsoever name the same may be called or known, wherein vinous, spirituous, malt or other intoxicating liquors are kept for sale in quantities less than one quart, to keep such establishment open to a later hour than 12 o'clock at night, nor to open the same at an earlier hour than 4 o'clock in the morning; nor shall it be lawful to sell or otherwise dispose of any vinous, spirituous, malt or other intoxicating liquors, in any establishment, to any person or persons, under any pretext whatever, between the hours above specified, during which said establishment shall be kept closed. And any person or persons found violating any or either of the provisions of this article shall be fined in a sum of not less than ten dollars nor more than one hundred dollars, for each violation thereof, and shall also be liable to a further penalty of not exceeding fifteen days' imprisonment—said fine to be recovered before the president of the board or recorder of said city.

BATHING LIMITS.

ART. 359. It shall not be lawful for any person to divest himself or herself of his or her clothing, or expose his or her naked person, on any of the wharves or docks any time between the hours of sunrise in the morning and sunset in the evening, for the purpose of or on the pretext of bathing; and any person offending against the provisions of this article shall be subject to a fine not exceeding twenty dollars for each and every offense.

ART. 360. It shall not be lawful for any person, male or female, over the age of eight years, to bathe in the waters of the gulf on the beach in front of the city of Galveston, between Sixteenth street on the east and Twenty-seventh street on the west, between the hours of 4 o'clock a. m. and 10 o'clock p. m., nor at any other place on the gulf beach within the corporate limits of the city of Galveston, during daylight, or between the hours of 6 o'clock a. m. and 8 o'clock p. m., unless such person be clothed in a costume sufficient to cover the body from neck to knee, arms excepted.

ART. 361. Any persons violating the provisions of the two preceding articles shall, on conviction thereof before the recorder, be fined in a sum not exceeding ten dollars.

ANIMALS.

ART. 362. It shall not be lawful for horses, mules, cattle, hogs, sheep or other animals to run at large within the corporate limits of the city of Galveston. It shall be the duty of the chief of police to designate one or more policemen to receive and take charge of, as keepers of the public pound, all animals arrested or taken up under this article; and they shall gather up all horses, mules, cattle, goats, hogs, sheep or other animals running at large in the limits of the city, and shall impound them in the public pound for at least three days; and the chief of police shall sell the same at public auction, for cash, at such time and place as he may designate, giving two full days' public notice of said sale in the official newspaper of the city, and by notice posted at the market house, describing the animal or animals impounded; provided, however, that the owner or owners of said animals

impounded may redeem the same at any time before the sale by paying all the expenses incurred in catching, impounding and keeping said animals, and, in addition thereto, pay for any such goat or sheep four dollars; and every such hog, two dollars and fifty cents; and every such horse or mule, one dollar; and every such head of cattle, one dollar. The persons appointed by the chief of police shall be commissioned as policemen of the city, and shall discharge this duty without further pay or emolument than their regular monthly salary.

ART. 363. All moneys received from fines or sales of animals impounded shall be appropriated—first, to the payment of all expenses incurred in catching, impounding, keeping and selling said animals; second, to pay any and all extra expenses incurred; third, if there be any balance remaining after paying said expenses, the same shall be paid to the owner of the animals so sold.

ART. 364. The owner or owners of animals sold under the provisions of this article may redeem the same at any time within two days from the date of said sale by paying the purchaser thereof the amount of the purchase money and all reasonable expenses that the purchasers may have incurred in keeping the same.

ART. 365. If at the time of the sale no purchaser shall be found for any of the animals impounded, under the provisions of this article, then the chief of police shall kill, or caused to be killed, all such animals, and deposit their carcasses in the places designated for such matter.

ART. 366. Owners of horses and milch cows shall be allowed to drive such animals in the morning before eight o'clock, and in the evening after five o'clock loose through the streets and in charge of competent persons, and they shall be responsible for any damage that may be done by such animals.

ART. 367. All persons are prohibited from raising or feeding any swine or goats within any house, pen, yard or other ground within the corporate limits of the city of Galveston; provided, that goats are allowed to be kept within the enclosures of the owners, but in a cleanly and inoffensive way

to the neighbors and citizens, and shall not be allowed to run at large.

ART. 368. Every person being the owner of such swine or goats, or owner or occupant of the premises, violating the preceding article, shall be fined not more than ten dollars ($10) for each and every such offense.

ART. 369. That any person who shall hereafter suffer or allow any horse, mule, ox, cow, hog or goat to run at large within the corporate limits of the city of Galveston shall, upon conviction before the recorder, be fined in a sum of not more than ten dollars.

ART. 370. The driving of beeves or other cattle in droves within the city limits or through the streets of the city, is hereby prohibited; provided, that calves and yearlings intended for shipment may be driven in day time into said city, and on Avenue K down to Nineteenth street and thence on Nineteenth street to the Brick Wharf for shipment; and beeves and other cattle may be driven in droves on to Strand street, west of Thirty-second street, and thence down Strand street to the Brick Wharf for shipment at any time between 11 o'clock p. m. and one hour before daylight; provided, that said droves of cattle, yearlings and beeves shall be driven with as little noise and disturbance as possible, and they shall be well guarded by a sufficient number of men; and the owners thereof shall be responsible for all damage that may be done by said droves, or the drivers thereof, while said droves are being driven through said streets; provided, further, that this article shall not apply to milch cows.

ART. 371. Any person or persons who shall drive or cause to be driven any beeves, calves, yearlings or other cattle, contrary to the provisions of the preceding article, shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars for each and every offense.

ART. 372. It shall not be lawful for the owner or occupant of any premises within the corporate limits of the city of Galveston to keep or raise, or suffer to be kept or raised, on such lot or premises, pigeons upon any pretext or for any purpose whatever. That any person or persons violating this article shall, on conviction thereof, be fined in a sum not more

than ten dollars; and if said fine be not paid, then said person or persons shall be imprisoned for a period of not less than five nor more than fifteen days.

ART. 373. That it shall not be lawful for any person to tie or fasten any animal upon or within reach of any street, sidewalk or esplanade, for the purpose of grazing thereon; and any person violating the provisions of this article, upon conviction thereof, shall be liable to a fine of not more than ten dollars for each offense.

ART. 374. That any person who overrides, overdrives, overloads, tortures, ill treats or cruelly or unnecessarily beats, maims, mutilates or kills any animal, whether belonging to himself or another, or who deprives any animal of the necessary sustenance, feed or drink, or causes any of the above acts to be done, or who, being the owner of such animal, permits such acts to be done by another, with his knowledge; or who wilfully sets on foot, institutes or engages in, or in any manner furthers, any active cruelty to any animal, shall, upon conviction thereof before the recorder of this city, be fined as hereinafter provided.

ART. 375. Any person who, having in custody any maimed, diseased, disabled or infirm animal, leaves it to lie or be in a street, road, alley or public place, or who shall carry or cause to be carried in or upon any vehicle or otherwise, any animal, in a cruel, brutal or inhuman manner or so as to produce torture, or unnecessary suffering, shall be deemed guilty of a violation of this ordinance, and shall, upon conviction thereof before the recorder, be punished as hereinafter provided; provided that the provisions of this article shall not be construed as prohibiting the docking of horses tails or the dehorning of cattle.

ART. 376. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and shall, upon conviction before the recorder of this city, be fined in any sum not less than ten dollars nor more than twenty-five dollars.

ART. 377. That no person shall keep, retain or allow, or employ to be kept or retained at any place within the city, any animal of the horse or ass species having the disease

known as glanders or farcy, but shall at once report the fact to the health physician, and under the direction of a sanitary inspector shall remove such animal, in the manner designated by such sanitary inspector to such place as may be designated by the health physician. No animal having glanders or farcy, or an contagious disease, or that shall die thereof, shall be removed, disposed of, or exposed in any street or public place in the city without a written permit from the health physician, and then only in accordance with the terms of such permit. That every veterinary surgeon who is called to examine or professionally attend any animal within the city having the glanders or farcy, or any contagious disease, shall, within twenty-four hours thereafter, report in writing to the health physician of the city the following facts, viz.:

1st. A statement of the location of such deceased animal.

2d. The name and address of the owner thereof.

3d. The type and character of the disease.

That any person violating the provisions of this article, or any of them, shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

DOGS.

ART. 378. It shall be the duty of the chief of police to designate one or more policemen to receive, take charge of, and place in the public pound, all dogs and bitches found running at large in the streets, alleys, markets, or other public grounds of the city of Galveston, not furnished with the tag and muzzle as hereinafter provided, and shall impound them in the public pound at least three days, and at the expiration of which time it shall be the duty of the keeper of said pound to kill or cause to be killed any and all such dog or dogs, bitch or bitches, then remaining in said pound; provided, however, that the owner or owners of any such dog or dogs, bitch or bitches, so impounded may redeem the same at any time before the expiration of said three days by paying a fine of fifty cents for each and every dog or bitch so redeemed, and by paying an additional sum of one dollar for each dog and three dollars for each bitch desired to be so redeemed as a license fee, and securing the metal tag

hereinafter provided for from the collector of taxes; provided, further, that the owner of any dog or dogs, bitch or bitches, in said city shall have the right to obtain from the city collector, upon application to him therefor, a license for each and every dog or bitch, and a metal tag with the number of such license stamped thereon, on payment to the city collector of the license tax as above provided—all licenses to expire on the 31st day of December of each year—and that any such licensed dog or bitch upon which a collar is placed with such metal tag attached thereto, and which is so muzzled as to prevent its biting, shall not be embraced in or subject to the terms of this ordinance. That the person or persons designated and appointed by the chief of police to receive, take charge of or kill such dog or dogs, bitch or bitches, shall be a commissioned policeman of the city, and shall discharge the duties imposed by this ordinance without further pay or emolument than their regular monthly salary.

ART. 379. That whenever any case of hydrophobia shall occur or be reported to exist within the limits of the city, it shall be the duty of the health physician to inquire diligently into the facts of the case, and if he is satisfied of the truth of the rumor, he shall so report to the president of the city, who shall immediately issue his proclamation (through the official newspaper and by placard), requiring all dogs, whether licensed or not, to be chained up within the premises of the owner twenty-four hours after the promulgation of such proclamation; it shall be the duty of the chief of police to detail a sufficient number of his force to kill in the most summary manner all dogs found running at large, whether the dog be licensed and tagged or not, and continue to do so until such proclamation shall have been revoked.

ART. 380. That any dog or bitch that may bite any person or persons, shall be killed by order of the chief of police at request of the parties bitten or any member of their families.

UNLAWFULLY CARRYING ARMS.

ART. 381. If any person in this city shall carry on or about his person, saddle or in his saddle bags, any pistol, dirk,

dagger, slung shot, sword cane, spear, or knuckles made of any metal or hard substance, bowie knife, or any other kind of knife manufactured and sold for purposes of offense or defense, he shall be subject to a fine of not less than twenty-five nor more than two hundred dollars, and shall be imprisoned not less than twenty nor more than sixty days.

ART. 382. The preceding article shall not apply to a person in actual service as a malitiaman, nor to a peace officer or policeman, or other person summoned to his aid, nor to a revenue or other civil officer engaged in the discharge of official duty, nor to the carrying of arms on one's own premises or place of business, nor to one who has reasonable ground for fearing an unlawful attack upon his person, and the danger so imminent and threatening as not to admit of the arrest of the party about to make such attack, upon legal process.

ART. 383. Any person violating the provisions of article 381, may be arrested without warrant by any member of the police force and carried before the recorder for trial on the municipal docket of said court; and any member of the police force who shall fail or refuse to arrest such person on his own knowledge, or upon information from some creditable person, shall be punished by a fine of twenty-five dollars, to be deducted from his monthly pay, and shall in addition thereto be removed from the police force.

CHAPTER SEVEN.

PAWNBROKERS—REGULATING.

ART. 384. That it shall be the duty of the chief of police to purchase a suitable number of books for the use of pawnbrokers, as hereinafter specified, and that he is authorized to use any money in his hands for that purpose, or that may come into his hands, not to exceed two hundred dollars, or so much thereof as he may find necessary. It shall be the duty of each and every person engaged in the business of pawnbroking, or as pawnbroker, or who may hereafter engage therein, in the city of Galveston, to procure and keep on hand one of the said books, and make or cause to be made therein the entries prescribed, and keep and have said book at all times open to the inspection of the chief of police; and it

shall be his duty to exhibit to the chief of police, or any officer specially designated by him for that purpose, said book or any article or articles entered in said book, whenever demanded by the chief of police, or said officer so designated by him.

ART. 385. Such book or books herein provided for, shall be a well bound blank book, properly ruled, and shall be marked "City Pawnbroker's Book," and shall be furnished to any pawnbroker of said city, free of charge, by said chief of police, upon his application therefor.

ART. 386. Every person engaged in business as a pawnbroker shall make, or cause to be made, a daily entrance in such book, so furnished, of any and all articles received by him in the course of his said business, and shall also affix a number to the same, and make entry of such number in said book, and also the name of the person or persons, if known, making deposit of such article or articles, and if unknown, the same shall be stated as unknown; and entry shall also be made in said book of the amount of loan upon the article or articles numbered, or so to be numbered, as aforesaid .

ART. 387. Each and every person engaged in the business of pawnbroking, or as pawnbroker, shall make, or cause to be made, in such book, daily, accurate entries of all the matters hereinbefore required to be entered.

ART. 388. That, should any pawnbroker, or any person engaged in business as such, within the corporate limits of the city of Galveston, or who may hereafter engage in business as such in said city, fail, neglect or refuse to comply with the provisions hereof, or any one of them, such person or pawnbroker shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars, and the court or jury trying the case may also, in their discretion, assess the further punishment of imprisonment of not more than thirty days, and the court or jury may also, in their discretion, forfeit the license of such person as such pawnbroker.

THEATRES, SHOWS, CIRCUSES AND OTHER EXHIBITIONS.

ART. 389. Every person who shall keep or exhibit any theatre, concert, circus or equestrian performance, menagerie,

or any exhibition, shall employ, at the discretion of the president, one or more of the city police, for the purpose of attending such exhibition, and to preserve order and decorum therein, and shall pay to each not less than two dollars for each exhibition, and admit such officers free of charge; and a refusal or neglect to do so shall work a forfeit of the license to exhibit, and subject such person to a fine of not less than twenty-five dollars for each exhibition; provided, that the president may grant permission for exhibitions, concerts and other public entertainments for charitable or religious purposes without requiring the employment of policemen.

ART. 390. It shall be the duty of the chief of police, when applied to for that purpose, to designate one or more of the police officers to so attend said exhibitions, whose duty it shall be to attend said exhibitions, and to preserve quiet and good order at the same.

CHAPTER EIGHT.

DIVISION FENCES.

ART. 391. It shall be the duty of the owner or owners of all occupied lots to erect and keep in repair proper fences to divide their property from the next and adjoining; one-half of each division fence to be paid for by each owner or owners thereof; said fence to be not less than five feet in height, substantially built, of good material, the posts not more than nine feet apart, and the palings not more than one and one-half inches from each other.

ART. 392. Any person owning an occupied lot, who shall have erected his half of the division fence, as contemplated in article 391, may require the owner or agent of the adjoining occupied lot to erect the other half of said fence on giving him thirty days' notice to erect the same, which party shall comply with this article within thirty days after receiving such notice; and if he neglects or refuses so to do, he shall be liable to a fine of five dollars per day for each day thereafter he shall fail to erect said division fence.

ART. 393. No provision herein shall be so construed as to compel owners of vacant lots to erect any part of any division fence adjoining the same.

ART. 394. That it shall be unlawful to construct, erect or repair barbed wire fences within the corporate limits of the city of Galveston except as hereinafter provided.

ART. 395. That between Forty-fifth street on the east and Fifty-sixth street on the west, such fences may be constructed, erected or repaired, provided the owner, agent or lessee of the property or the land where said fence is to be constructed, erected or repaired shall first, and before the beginning of the construction, erection or repairing of such fence, secure permission therefor from the board of the city of Galveston.

ART. 396. Any land holder, whether the same be a person or a corporation, or any agent, tenant or lessee of any property who shall violate the provisions of the two preceding articles, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before the recorder of the city of Galveston, shall be fined in the sum of not less than $5 nor more than $25.

ART. 397. If any person shall play at any game with cards at any house for retailing spirituous liquors, storehouse, tavern, inn or any other public house or in any street, highway or public place, or in any outhouse where people resort, he shall be fined, on conviction before the recorder of this city, in any sum not less than twenty-five dollars and not more than one hundred dollars.

ART. 398. All houses commonly known as "public" and as "gaming houses" are included within the meaning of the preceding section. Any room attached to such public houses and commonly used for gaming is also included, whether the same be kept closed or open. A private room of an inn or tavern is not within the meaning of "public places," unless such room is commonly used for gaming, nor is a private business office or private residence to be construed as within the meaning of a "public" house or place, providing such private office or residence shall not be a place for retailing spirituous liquors.

ART. 399. In prosecutions under the two preceding articles, it shall not be necessary for the city to prove that any money or article of value, or the representative of either, was bet at such game. The offense is complete without such proof.

ART. 400. If any person shall bet or wager at any gaming table, or bank, or pigeon hole, or Jenny Lind table, or nine or ten-pin alley, or any gaming table, or bank of any name or description whatever, or any table or bank used for gaming which has no name, or shall bet or wager any money or other thing of value at any of the following games, viz: Faro, Monte, Vingt-et-un, Rouge-et-noir, "A. B. C." Chuck-aluck, Keno, Pool and Rondo, Poker Dice, Jack Pot, High Dice, Low Dice, Dominoes, Euchre with Dominoes, Poker with Dominoes, Set with Dominoes, Muggins, Crack-loo, Crack-or-loo, or at any game of any character whatever that can be played with dice or dominoes, or at any table, bank, or alley, by whatever name known, and without reference as to how the same may be constructed or operated, he shall be fined not less than Ten dollars nor more than Twenty-five dollars, provided no person shall be indicted under this section for playing any of said games without dice or dominoes at a private residence, and provided further that any game played for money upon any billiard table or representing a billiard table, other than the game of billiards licensed by law, is punishable under the provisions of this ordinance.

ART. 401. If any person shall permit any game prohibited by the provisions of this ordinance to be played in his house, or at a house under his control, or upon his premises, or upon premises under his control, the said house being a public house or the said premises being appurtenances to a public house, he shall be fined not less than Twenty-five dollars nor more than one hundred dollars.

ART. 402. If any person shall rent to another a room or house for the purpose of being used as a place for playing, dealing or exhibiting any games prohibited by the provisions of this ordinance, he shall be fined not less than Twenty-five nor more than One hundred dollars.

ART. 403. Any court, officer or tribunal having jurisdiction of the offenses enumerated in this ordinance may subpoena persons and compel their attendance as witnesses to testify to the violation of any of the provisions of the foregoing articles. Any person so summoned and examined shall not be liable for prosecution for any violation of said articles about

which he may testify, and for any offense enumerated in this ordinance a conviction may be had upon the unsupported evidence of an accomplice or participant.

ART. 404. That in accordance with article 46 of the city charter the chief of police, deputy chief of police, and all other police officers of the city of Galveston be and they are hereby instructed to strictly enforce the provisions of the Penal Code of the State of Texas appertaining to gaming. The chief of police, deputy chief of police, sergeants and special officers being hereby especially charged to see that patrolmen on their beats exercise the utmost vigilance in suppressing all places where the laws against gaming are violated, and that the offenders are arrested.

ART. 405. Any police officer, upon whose beat any person has committed an offense against the gaming laws, who shall know that such offense has been committed and shall neglect or fail to give information thereof to the recorder of the city of Galveston, shall be punished as provided for in article 393 of chapter 4 of the Penal Code, and upon conviction shall be removed from the police force of the city of Galveston and be debarred from thereafter holding office under the city. The same rule shall apply to all of the police officers of said city, but the attention of patrolmen is more especially directed thereto as the police regulations make it their duty to investigate and know of the existence of such places on their respective beats.

CHAPTER TEN.

JUNK DEALERS.

ART. 406. It is hereby made the duty of the chief of police to procure a sufficient number of blank books properly headed and ruled, for the use of dealers in junk and in second-hand clothing and other second-hand articles.

ART. 407. It shall be the duty of every person in this city now or hereafter engaged in the business of buying and selling, or otherwise dealing in, brass, copper, tin, iron, cotton or other materials commonly called or known as junk, and of every person now or hereafter engaged in the business of buying and selling, or otherwise dealing in, second-hand clothing and

second-hand goods and articles, to apply to the chief of police for one of the blank books hereinbefore described, and that officer shall deliver a book to such dealer, who shall thereafter enter or cause to be entered at the time of purchase a description of each and every article of whatsoever kind bought by him and the price paid, together with the name and residence of the person from whom such article or articles were bought or obtained, all of which entries shall be subject to the inspection of the chief of police, or any officer designated by him, together with the article and items so bought or obtained, which shall be kept by such dealer for at least three days from and after the date of buying or receiving the same, and after the expiration of which time he may dispose of them.

ART. 408. The books herein provided for shall be well bound blank books, properly ruled and with appropriate headings, and shall be marked "City Junk and Second-Hand Dealers' Book."

ART. 409. Should any Junk or second-hand dealer fail or refuse to comply with the requirements of this ordinance, or any of them, he shall, upon conviction, be fined in the sum of not less than twenty-five nor more than one hundred dollars, and each day's failure or refusal to comply herewith shall be deemed a separate offense.

ART. 410. A junk dealer within the meaning of this ordinance is one who buys or deals in brass, iron, copper, rope, sails, sacks, tools, blocks, tackles and other articles, either new or second-hand, and in either large or small lots, for shipment or sale. A second-hand dealer is one who buys to sell again second-hand or cast off clothing, furniture, crockery, household goods and other second-hand articles, or such as have been already used

CHAPTER ELEVEN.

SUNDRY OFFENSES.

ART. 411. It shall be unlawful for any person to cut, break, bruise, mutilate or injure any tree, shrub or flower growing or planted on any public square, public ground, esplanade, street or sidewalk in the city. Any person who shall

violate any provision of this article shall be fined in any sum not exceeding ten dollars.

ART. 412. That when any person shall be annoyed or damaged by poultry of any kind running on the streets or sidewalks of the city, they may report the same to the chief of police or any policeman, whose duty it shall be to immediately notify the owners of said poultry of the complaint made and to warn said owners to restrain their said poultry from so running at large and any person who shall permit their said poultry to run at large on the streets and sidewalks, to the annoyance or injury of their neighbors, after notice and warning as herein provided, shall be fined in any sum not exceeding ten dollars.

ART. 413. It shall be unlawful for persons to gather together in squads or crowds on the sidewalks or street corners, to the annoyance of the owners or occupants of the premises abutting on the same. And any persons who shall violate the provisions of this article, after being warned by any policeman or any owner or occupant of said premises to remove, shall be fined in any sum not exceeding ten dollars.

ART. 414. It shall be the duty of the president to receive and plant along the jetties, being erected by the United States government within the jurisdiction of the city of Galveston, all such consignments of lobsters as may be sent or directed by the proper department at Washington City, or from other sources, with a view of experimenting in the culture of lobsters in the waters along the gulf coast. That it shall be unlawful for any person to take and remove any lobster from the waters of the gulf, channels or bays, within the police jurisdiction of the city of Galveston, without the consent of the board. Any person who shall violate the provisions of this article shall, on conviction, be fined ten dollars, and each and every lobster so taken and removed in violation of the provisions of this article shall constitute a separate offense.

ART. 415. It shall not be lawful for any person or persons, who take, catch or capture fish, crabs, or shrimp in the waters of Galveston bay or the gulf of Mexico, within the corporate limits of the city of Galveston, by seines, drag nets, set nets, fish baskets, or any other means, device or contrivance

whatsoever which is now known or used in taking, catching or destroying fish, or which may hereafter be invented for that purpose, to empty his or their seines, drag nets, fish baskets, or other means or contrivance used for capturing and catching fish, crabs or shrimp on the beach or shores of said waters, within said corporate limits, and leave any of the contents thereof upon said beach or shores so as to perish and decay, but it shall be the duty of all persons so engaged immediately to return when captured or caught, to the waters whence they were taken, all such fish, crabs and shrimp as are not selected and retained for use or sale.

Any person or persons who shall violate any of the provisions of this article shall be deemed guilty of an offense, and, upon conviction thereof before the recorder, shall be fined not less than twenty-five nor more than one hundred dollars.

PROSTITUTES.

ART. 416. Any person guilty of soliciting trade or patronage for immoral, lewd or indecent persons, or soliciting persons for immoral, lewd, indecent or unnatural purposes or practices, either by invitation, signs, calls or otherwise, in or near any street or alley of the city of Galveston, or in or near any barroom, saloon or other public place in said city, shall be fined in the sum of ten dollars for each offense.

EXPECTORATION.

ART. 417. That in order to suppress and prevent contagious diseases in the city of Galveston, and for the promotion of the health of the inhabitants thereof, it is hereby declared to be unlawful for any person to expectorate on or upon the floor, seats, platforms or other portions of the street cars or other public conveyances, or within the Union passenger station of the city of Galveston or any other property used for the common benefit of the public, or on any paved sidewalk; and such expectorating is hereby declared to be a nuisance, dangerous to health, and any person or persons violating the provisions of this article shall, upon conviction before the recorder of the city of Galveston, be fined in any sum not exceeding ten dollars for each and every offense.

MINORS.

ART. 418. That from and after the passage of this ordinance it shall be unlawful for any child under the age of fifteen years to be and remain upon any of the streets of the city of Galveston between the hours of nine o'clock p. m. and five o'clock a. m., unless such child shall be accompanied by its parent or guardian or some other adult person, or unless such child shall have been so sent on the streets by its said parent or guardian, or some other adult person charged with its custody.

ART. 419. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, upon trial and conviction thereof before the recorder, shall be fined in any sum not exceeding ten dollars.

CHAPTER TWELVE.

PROTECTION OF PUBLIC PROPERTY.

ART. 420. It shall not be lawful for any person or persons to destroy, injure, cut, chip, break, deface, or cover or rub with, or otherwise place filth or excrement of any kind upon any public property in the city of Galveston, or on any public building, statue, monument, office, dwelling, drinking fountain or structure of any kind whatsoever, or which may be in course of erection, or on the doors, windows, steps, railing, fencing, balconies, balustrades, or the walls or sides, or the walls of any enclosure thereof, or to write, mark, or print obscene or indecent words or language thereon, or to draw, paint, mark or write obscene or indecent figures representing obscene or indecent objects, or to write, mark, draw or paint any word or sign or figure theron, under a penalty of ten dollars for each and every such offense.

ART. 421. It shall not be lawful for any person or persons within the city of Galveston to idle or loaf or to congregate or assemble at the entrance or on the steps of any public building, or on or about any structure, monument or drinking fountain in the city of Galveston, and to engage in loud or boisterous talking or to insult or make or write obscene comments or remarks or observations on persons passing by the

same or in their hearing, or to so crowd, obstruct or incommode the entrance into, around or out of any such public building, monument or drinking fountain or structure in said city, as to prevent the free and uninterrupted passage to the same, under a penalty of not more than ten dollars for each and every such offense.

ART. 422. It shall not be lawful for any person or persons within the city of Galveston to throw any brick, oyster shell, stone or other missile, of any kind whatsoever, on, at or against any public building, monument, drinking fountain, or other like structure, in any street, avenue, alley, road or highway or open space or public square or inclosure, under a penalty of not more than five dollars for every such offense.

ART. 423. It shall not be lawful for any person or persons to destroy, break, cut, disfigure or deface or otherwise injure any building material or materials intended for the improvement of any street, avenue, alley, foot pavement, roads, highways or enclosure, whether public or private property, or for the erection of any public building, monument, or drinking fountain, or remove the same, except in pursuance of law, or or by consent of the owners, from the place where the same may be located for purposes of building or improvement, as aforesaid, or to remove, cut, destroy, injure any scaffolding, ladder or other thing used in or about said building or improvement, under a penalty of not more than ten dollars for each and every such offense.

TITLE X.

Railway Companies.

CHAPTER ONE.

DUTIES AND REGULATIONS.

ART. 424. All street and steam railway companies operating their roads in the city of Galveston, are required to place on file in the office of the secretary, a map or plan, on a scale

of not less than six hundred feet to the inch, of all existing lines of railway, whether double or single, operated by them, having correctly delineated thereon all tracks, switches, curves, bridges, trestle work, turnouts and turning tables.

ART. 425. No changes shall be made in the tracks, switches, curves, culverts, trestle work, turnouts and turning tables, as set down on said maps and plans, without the consent of the city engineer, whose duty it shall be to note the same upon said maps and plans.

ART. 426. That, in the construction of any new line of railway, grades shall first be given by the city engineer, the cost of which shall be paid by the company, and the work staked off to the required height of the tracks to be built; but this is not to be considered as the established grade proper and is only for the purpose of making the grades uniform, it being considered impracticable to conform to every undulation of the streets as they now are, and as the city does not contemplate, at this time, raising all the streets to the established grade.

ART. 427. That whenever the tracks, to conform to the grades given, shall be above the level of the street, the railway company occupying same shall, at their own expense, be required to raise the street, between the tracks, by filling with sand or some good filling material, to be approved by the city engineer, the same to be the required height and on a level with the top of the rails, entirely covering all cross ties and timbers, which timbers shall in no case extend more than one foot beyond the rails on either side of the track.

ART. 428. That all tracks constructed on the streets of the city, over which rights of way have been granted, or which may hereafter be granted, except those that may be built on water lots north of Avenue B, shall be at once put in good order, and that the space from the center line of the street, which is also to be considered as the center line of the track or tracks, including all switches and turnouts, shall be filled their entire length with plank or some good, hard ballasting material, by first filling with sand and then covering with either gravel, rock, shell or cinders, to a depth of not less than four inches, and to a height level with the

top of the rails, which filling shall always be maintained in good order and condition.

ART. 429. That at all curves, and at all street intersections or crossings, said companies shall maintain and keep their roadbed and tracks, and the approaches thereto, for the full width of the street, in good, safe and passable condition for vehicles, by filling between the rails or tracks, and the approaches thereto, either with approved ballasting material, plank or pavement.

ART. 430. That, whenever any tracks are laid upon trestle or pile foundations along the streets of the city, the space between said tracks, for the entire width, shall be filled in in the same manner as heretofore provided, or the whole distance between the rails and tracks shall be entirely planked over with 2x12 plank, securely spiked down and made safe for traffic over them, and the sides sloped off for a distance of six (6) feet by filling or planking as aforesaid.

ART. 431. Every railway company whose railway is, or shall be hereafter, intersected by any new railway, shall unite with the railway company owning such new railway in forming intersections and connections, and grant to such such new railway facilities therefor.

ART. 432. That the digging of sand from the sides of the constructed tracks, or any henceforth to be constructed, either for filling purposes between the tracks, for surfacing up of same, or for the removal of sand dumped along the tracks for sale to private parties or corporations, is hereby prohibited.

ART. 433. That whenever the board shall have any street improvement made, by filling, grading and paving, or by filling only, over which any right of way is now or may hereafter be granted to any railway company, the city engineer shall make an estimate, in writing, of the actual cost of said improvement, for the full space occupied by the tracks of said company, including the space between all double tracks and switches, and place the same in the hands of the city collector, whose duty it shall be to collect the same from said railway company, and place it in the city treasury for the use of the street and alley fund. And no railway company shall be permitted to lay down its tracks upon, oc-

cupy or run its cars over any street so improved, until it shall have paid to the city collector said actual cost as aforesaid. In case any railway company shall fail to pay said actual cost on demand, the city may sue for and recover the same before any court of competent jurisdiction.

ART. 434. It shall be the duty of all the railway companies, operating railways over the streets of the city that have been paved, to keep in good repair all pavements between their tracks, including the space between all double tracks and switches; and in case any railway company shall fail or refuse to make any repairs required by this article within ten days after being notified to make the same by the city engineer, then said repairs may be done by the city, and the actual cost of the same collected in accordance with the provisions of the preceding article.

ART. 435. It shall be the duty of the city engineer to keep a close supervision over all railways in the city, and promptly report all violations of the provisions of this ordinance to the board, whose duty it shall be to give such instructions to the city engineer, and take such action thereon, as the exigencies of the case or the proper execution of the provisions of this ordinance may require.

ART. 436. Whenever the city engineer shall perform any services or incur any expense in the performance of any duty under the provisions of this ordinance, which are made a charge against any railway company, it shall be his duty to make out an account of the same, retaining a copy thereof in his office as a record, and place the same in the hands of the city collector for collection, and said city collector shall collect the same and pay it into the city treasury, for the use of the street and alley fund; provided, that in no case shall said charges against said companies for such services be greater than at the rate of twenty dollars per day for the services of the city engineer, and the actual cost of labor employed in the performance of the same.

ART. 437. That any president, manager, superintendent, agent or employe of any railway company operating a railway in the city, who shall violate any of the provisions of this ordinance, or who shall fail or refuse to perform any act or duty re-

quired of said railway under the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than twenty-five dollars nor more than two hundred dollars, and every day that said violation shall continue or said railway shall fail or refuse to perform any act or duty required by this act, shall constitute a separate offense, and shall be punished in a like manner.

ART. 438. That each and every railway company to which shall hereafter be granted by the board any additional right of way, concession or other right to change or alter any of its tracks, shall file with the city clerk a written acceptance of the provisions of this ordinance, and no such grant or concession shall take effect until such acceptance is filed in accordance with this article.

ART. 439. That no street railway company operating a street railway in this city shall charge or receive from any passenger more than five cents for one continuous carriage in the same direction, and all children over three years of age and under twelve years of age shall be transported in all street railways in the city of Galveston for one-half the fare charged adult passengers for one continuous carriage in the same direction; and street railways in this city are authorized to issue ten tickets for twenty-five cents, to be used exclusively in the payment of fares of children under the age of twelve years and over three years of age; and any conductor, driver or agent of any street railway in the city of Galveston, who shall require the payment of more than one-half the fare charged for the transportation of adult passengers for the transportation of any child between three and twelve years of age for one continuous carriage in the same direction, shall be deemed guilty of a misdemeanor, and shall be fined twenty-five dollars for every such violation of this ordinance.

ART. 440. That for the better protection of life and property within the city of Galveston, it is hereby made the duty of all corporations or persons operating street railways by electricity within the corporate limits of the city, to place safe, proper and well insulated guard-wires above the trolley-

wires of said railways wherever said trolley-wires run under or parallel with any wires used for other purposes. Such guard-wires to be erected and placed under the supervision of the chief engineer of the fire department, and shall be subject to his approval.

ART. 441. That should the management of any such street railway company fail to comply with the terms and requirements of this ordinance within twenty days from its passage, then the president and each member of the directory shall be deemed guilty of a misdemeanor, and, on conviction thereof before the recorder's court of the city of Galveston, shall be fined not less than ten nor more than one hundred dollars, and each day they fail to comply with the provisions of this ordinance shall constitute a separate offense.

ART. 442. That it shall be the duty of the chief engineer of the fire department to see that the provisions of articles 439, 440 and 441 are enforced, and to make complaints in the recorder's court for violation of them.

ART. 443. That all railway companies operating their roads in the city of Galveston are hereby required to erect and place abutments, or bumpers, at the end of all tracks ending or terminating on the line of any street in the city of Galveston.

ART. 444. That any president, manager, superintendent, agent, or employe operating a railway in the city, violating the provisions of this ordinance shall be fined not less than five dollars nor more than twenty-five dollars, and every day that said violation shall continue, or said railway shall fail or refuse to perform said duty or act, shall constitute a separate offense.

ART. 445. That it shall be unlawful for any railroad company or their agents or employes to permit any loaded or empty freight car or cars to remain standing on any track laid on any street of the city of Galveston, except for the purpose of temporary switching or working, and in no case shall they be left on any tracks in such a position as to interfere with the business of any enterprise located on the line of any such street.

ART. 446. Any agent or employe of any railroad company who shall, while switching or running cars through any of the streets of the city of Galveston, violate any of the provisions of this ordinance shall be fined in the sum of not less than ten dollars or more than fifty dollars for each offense upon conviction thereof before the recorder's court of the city of Galveston.

ART. 447. It shall be the duty of the chief of police to see that the provisions of this ordinance are strictly enforced.

CHAPTER TWO.

RULES AND REGULATIONS.

ART. 448. It shall be unlawful for any person in this city to jump on or off, or to cling to or hang on any railway engine or car while the same is in motion, such person not being a paying passenger, an employe or an official of the railway company; and any person violating any of the provisions of this article shall, on conviction before the recorder, be fined not less than one dollar nor more than ten dollars.

ART. 449. Children of age or discretion, in the judgment of the recorder, to be proper subjects for correction, are expressly declared to be within the purview of this article, and the parents and lawful guardians of the child so offending shall be subject to the fine inflicted on said child, and to the costs of proceeding, and execution shall issue against the parent or guardian therefor.

ART. 450. It shall be unlawful for any engineer or other person in charge of a locomotive, car or train of cars to run the same within the corporate limits of the city at a greater rate of speed than seven miles an hour; and any person so offending shall, upon conviction before the recorder, be fined in any sum not less than ten dollars nor more than fifty dollars.

ART. 451. It shall be the duty of each railway company whose engines or cars are propelled by steam either to keep, by day and by night, at such intersections of streets or other public crossings within the corporate limits of the city

traversed by its railway as shall be designated by the street committee, one or more flagmen, whose duty it shall be to warn persons of the approach of trains and to see that such crossings are kept clear of standing trains, locomotives and other like obstructions, or to cause its trains and locomotives to come to a perfect standstill at each street intersection; and if any conductor, engineer or other person in charge of any locomotive, car or train of cars shall leave the same standing upon any crossing for a longer time than five minutes, such person shall be deemed guilty of an offense, and shall be fined by the recorder in any sum not less than ten dollars nor more than fifty dollars.

ART. 452. If any railway company whose cars are propelled by steam shall fail, refuse or neglect to place and to maintain flagmen at crossings as provided in article 451 of this chapter, the chief resident officer of said railway company shall be deemed guilty of an offense and shall be fined by the recorder in any sum not less than twenty dollars nor more than one hundred dollars.

ART. 453. It shall be the duty of every engineer or other person in charge of a locomotive or engine, to cause the engine bell to be rung continuously, and the whistle to be sounded at every street crossing whilst the engine or cars are in motion within the corporate limits; and any person who shall violate any of the provisions of this article, shall be deemed guilty of an offense, and shall be fined by the recorder in any sum not less than five dollars nor more than one hundred dollars.

ART. 454. It shall be the duty of every driver or other person in charge of any street railway car, on approaching the intersection of any two streets within the corporate limits traversed by a railway, the cars upon which are operated or propelled by steam, and when within not less than twenty feet of such railway, to bring his car to a full stop before attempting to cross the same; and every person who shall fail or neglect so to do, shall be deemed guilty of an offense, and shall be fined by the recorder in any sum not less than two dollars nor more than twenty-five dollars.

ART. 455. It shall be unlawful for any driver or other person in charge of a street railway car to attempt to pass with his car any other street railway car on the same street and on parallel lines, whilst the latter car is at a street crossing and in the act of receiving or discharging passengers, but it shall be the duty of him having charge of the moving car, when approaching another so engaged in receiving or discharging passengers, to halt his own car until such other car shall have again been put in motion; and any person violating any of the provisions of this article shall, on conviction before the recorder, be fined in any sum not less than one dollar nor more than twenty dollars.

ART. 456. That from and after March 1st, 1886, all grants to railroad companies and other corporations or persons, for use of certain streets not built upon or used by said companies, corporations or persons, be revoked and revert to the city, excepting those that have had the time extended; and if at the expiration of such extension of time the streets shall not be built upon, and in actual use, the grants to them shall also be revoked.

CHAPTER THREE.

STREET RAILWAYS.

ART. 457. That it shall be unlawful for any person to operate a street car within the limits of the city of Galveston unless such car shall be provided with life guards or fenders on the front end of such car, and for each violation hereof, the offender shall be fined the sum of ten dollars.

TITLE XI.

Streets, Alleys and Sidewalks.

CHAPTER ONE.

ENGINEER.

ART. 458. It shall be the first duty of the city engineer to ascertain the established monuments of the city survey, and from them to extend the surveys of the city, and establish others, as provided herein, and from them to locate, establish and survey all private property, streets and alleys within the corporate limits of Galveston, when called on or required so to do.

ART. 459. The original plan and survey, known and designated as the "Groesbeck survey," so far as marked by actual measurements, and so far as revived, re-established and determined by the surveys of Tipton Walker, civil engineer, under and by resolution and order of the board of commissioners of Galveston, shall be and is hereby affirmed and established as the true city survey of the city of Galveston. The theory of survey and plot, as marked on Sandusky's map, as to the dimensions of blocks and lots, and width of streets and alleys, is also confirmed in each and every particular, with the exception that the street known and designated as Avenue B, or Strand street, is eighty feet in width, instead of seventy feet as marked thereon.

ART. 460. It shall be the duty of the city engineer to procure for his office and use, as property of the city, and at the expense thereof, two suitable record books, one to be used for the record and illustration, by suitable drawings, of all city work done by him, pertaining to grades, streets, alleys, sidewalks, sewers, drains, ditches, public squares, parks, waterworks, or any other public work; the other for recording all private surveys. It shall be his duty to superintend the construction of five or more measuring rods, of twenty

feet in length, of suitable wood, to have metal ferrules at each end, and he shall graduate them according to the standard measurement of the Groesbeck survey. He shall have full control and custody of, and be responsible for, all the engineering instruments, drawings, rulers, measuring rods, chains, record books, maps, plans, tables, office furniture, and all other property in any manner appertaining to the office of city engineer, and shall receipt for them by inventory, and return them to the board, or to his successor, on leaving his office. Suitable rooms shall be furnished for his official use at the cost of the city. It shall not be lawful for the city engineer to be absent from the city for a longer period than one week during any given time, without special leave of absence from the board.

ART. 461. That whenever called on by any owner, agent or lessee of any property within the corporate limits of said city, to survey lines or boundaries, said city engineer shall, as soon as practicable, proceed to make the required survey thereof, measuring from the nearest established monument or initial points. Said engineer shall also establish such other monuments or initial points at the intersection of such streets as may be deemed necessary by the board to remain as permanent monuments for future reference and guidance. Said monuments or initial points so established shall not be altered or disturbed by any person or persons under a penalty of not less than fifty dollars, to be recovered before any court of competent authority.

ART. 462. The city engineer is authorized to charge not exceeding two cents per running foot for measuring any block, lot or parcel of ground, counting from the nearest monument or initial point; provided, that in no case shall the charge for surveying any one lot exceed the sum of twenty-five dollars; and provided, also the city shall incur no expense for skilled assistance or incidental expenses connected therewith in making such surveys, but that the same shall be defrayed by the engineer out of the amounts received by him for such surveys; and an accurate account of such surveys and expenditures made by him shall be kept in his office.

ART. 463. That the city engineer shall run a sufficient set of levels, at least on alternate streets through the city, and project said levels on proper level paper, of uniform scale, with a view to the establishment of the proper grades and drainage of the city.

ART. 464. That in giving the grade of a lot or block for any purpose, the engineer shall mark the grades on or near the corner post or stake in such manner that the reference may be had easily without their displacement. In running the lines of level, as above, the engineer shall establish bench marks at all intersections, checking upon the same until they agree; he will also establish two or more permanent bench marks at mean high tide, for reference of his datum line for all levels. All bench marks shall be registered in the proper record book and numbered with the number of the block on which it is made.

ART. 465. It shall be the duty of the city engineer to attend the meetings of the board, and he shall report from time to time the condition and progress of all public works under his supervision and control needing special attention, and also make suitable reports to the board when specially directed or required by the president or board of commissioners.

ART. 466. That in addition to the duties of the city engineer as heretofore prescribed by charter and ordinances, he shall have and exercise general supervision and superintendence over all work undertaken by the board upon the streets, alleys and public squares of the city; give instructions as to plan of grading or otherwise improving the same and of constructing sidewalks so as to preserve proper proportion and uniformity in the height and width thereof; and also of constructing culverts, bridges, drains, ditches and other improvements projected by the board. And he shall see that all parties contracting with the city to do any work as aforesaid faithfully perform their contract; and, in the event of their failure so to do, he shall report the same to the board.

ART. 467. That he shall have and exercise general supervision over the construction of all railways which may at any time be constructed to run through the streets of the

city, and require them to conform to the established grade, so as not to impede the passage of drays, carriages and other vehicles through said streets; and to report to the board any violation of contract or ordinance by parties constructing such railways.

ART. 468. It shall be the duty of the civil engineer to employ all laborers and workmen upon the streets and alleys and upon other work that may be under his superintendence to the number prescribed by the board under its directions, and for the compensation fixed by the board; keep a correct account of the time of service of said laborers and workmen, and the nature of the service performed by them, and make and return a pay-roll thereof at the end of each and every month; to receive and receipt for, in the name of the city, all shell, sand, stone, lumber, tools, supplies and other material purchased or used in the street and alley department, correctly measure and inspect the same, designate at what point or points the same shall be delivered within the city, and make and return a true and correct report of the same at the end of each and every month.

ART. 469. That said city engineer shall in no case, either directly or indirectly, have any pecuniary interest in any contract as aforesaid; nor in any materials, supplies or labor used in the performance thereof, or in the execution of any work undertaken by the board as aforesaid, upon pain of removal from office.

CHAPTER TWO.

GENERAL PROVISIONS.

ART. 470. All streets, avenues and alleys and sidewalks in the city of Galveston, running in a south and north direction, and lying between Fourth and Forty-first streets, as laid down and designated on the map of said city, are hereby extended and open to the channel of Galveston bay, which runs along the northern front of said city; and each of said streets, avenues, alleys and sidewalks is hereby made and declared to be an open and public highway throughout its extent to said channel, running in the same line of direction, and of the

same width, including the sidewalks, as said streets, avenues and alleys, and said sidewalks now are.

ART. 471. It shall not be lawful for any person or persons, corporation or association of persons, under any pretext whatsoever, unless the right so to do shall have been first granted to such person or persons, corporation or association, by the board of said city, to encumber any or either of the public squares, public grounds, bay or gulf shore, streets, avenues, alleys or sidewalks of said city, by building, constructing or erecting, or causing to be built, constructed or erected, therein, or thereon, any fence, building, wharf, teehead, structure or obstruction of whatsoever kind; or to make, dig or construct, or cause to be made, dug or constructed, any trench, ditch or excavation of any kind whatsoever, in, along or across any street, avenue, alley or sidewalk of said city; or to lay or construct, or cause to be laid or constructed, any gutter, drain, sewer, main or pipe, of whatsoever kind, in, under, along or across any street, avenue, alley or sidewalk of said city. And any person or persons, corporation or association offending against any or either of the provisions of this ordinance, and any and all persons who shall aid or assist in so offending, shall upon conviction thereof before the president or recorder of said city, be fined in a sum not less than two dollars nor more than one hundred dollars, and shall also be liable to imprisonment not exceeding fifteen days; and any person or persons, corporation or association so offending as aforesaid shall also be liable to a further penalty of not less than one dollar nor more than twenty-five dollars for each and every day that any such fence, building, structure, wharf, teehead, ditch, excavation, gutter, pipe, sewer, or other obstruction, shall remain or continue in any or either of the places herein named, after notice to remove or abate the same.

ART. 472. It shall not be lawful for any person or persons, company or association, under any pretext whatsoever, to occupy, or maintain, or inhabit any such building or obstruction as mentioned in article 471 whether the same be heretofore or hereafter built, constructed or put up by the party, or by any other person or persons, or whether the

party so occupying the same may or may not have purchased the same from another person, and any or all persons who shall so occupy, maintain or inhabit said obstructions on the streets, avenues, alleys or sidewalks of said city shall be fined and punished as provided in article 471.

ART. 473. It shall be the duty of the president to cause all obstructions to be removed which are now or may hereafter be erected or placed in any or either of the public squares, public grounds, gulf or bay shores, streets, avenues, alleys or sidewalks of said city, without the authority from the corporate authorities of the same; and, should the president deem it necessary, he shall order the chief of police, or other qualified officer, to proceed with a sufficient force to remove said obstructions; and such chief of police, or other qualified officer, as aforesaid, is hereby fully authorized and empowered to summon such force as he may deem necessary to enforce the provisions of this ordinance, and remove and abolish said obstructions.

ART. 474. It shall not be lawful for any person to erect any building or fence on the public squares, public grounds, gulf or bay shores, sidewalks or on the alleys or streets of said city; and any building or fence which may be so erected, shall be deemed a nuisance, and shall be removed to the proper line of the street; and a neglect or refusal to alter or remove any such house, building or fence, shall subject the offender or offenders to a penalty of ten dollars for every day such nuisance shall continue.

No trees shall be planted in the streets, nor shall any posts be placed for an awning or other purposes in the streets, except the same be planted or placed on the outside of the sidewalks, and on a line with the same, under a fine of twenty dollars against the offenders for each offense against the provisions of this article.

ART. 475. The alleys which divide the blocks or lots within the city are not thoroughfares to every intent and purpose, and therefore it shall be unlawful for any person to drive any cart, wagon, dray or other vehicle into or through any of the said alleys of the city, unless it shall be to receive or deliver a load in such alley, or to the stable or house where

such vehicle shall be kept; and every person offending against the provisions of this article shall be subject to a fine of not exceeding ten dollars for each and every offense.

ART. 476. That whenever the health physician, for sanitary reasons, shall direct the filling up of an alley within the limits of this city, or whenever the city engineer shall deem the same necessary for the purposes of drainage or of travel, it shall be the duty of the engineer to establish the grade of such alley, and he shall so regulate the same that the water shall flow from the middle of said alley to the end thereof and into the gutters in the adjacent street. And whenever the health physician shall notify the engineer of the unsanitary condition of such alley, or the city engineer shall deem the filling of such alley necessary for the purposes herein stated, after having established the grade for such alley, it shall be the duty of the city engineer to notify the property owners, or the agents of the owners, of lots terminating on such alley, to fill the same to the grade established by him. Said filling to be done by the owners of lots terminating on such alley to the middle of the alley, and to be done at the expense of the owners of the lots terminating on such alley. Any owner of any lot or lots, or agent of any owner of any lot or lots, terminating on any alley which shall be required to be filled in pursuance with the terms of this ordinance, who shall fail or neglect or refuse to cause the same to be filled as required by the terms of this ordinance, after ten days from receipt of notice from the city engineer, shall be fined in the sum of ten dollars for each day after the expiration of said ten days' notice which he shall allow said alley to remain unfilled.

ART. 478. That, whenever the proprietor or all the proprietors of the lots of any block desired to close the alley in said block, he or they be and are hereby permitted to do so, on application to the president, signed by all the parties: provided, that if, at any time thereafter, any of the proprietors of lots in a block, whose alley has been closed, shall desire the same to be reopened, then it is reserved for the board of the city of Galveston to order the reopening of the

same, due and sufficient notice having been first given to the parties to be affected by it, before the final action.

ART. 479. It shall not be lawful for any person, in building or repairing any house, store or fence, to lay or place bricks, boards or timber, or other materials for building, in the streets more than thirty days before commencing to build, in such manner as to occupy more than one-third part of any street or alley; provided, that the entire sidewalk adjoining any lot upon which a house is in course of erection or repair may be thus occupied during the time such house is actually in progress of building or being repaired, and such sidewalk may be enclosed during such time, but no longer. And provided, further, that any person having the use of any portion of the street or sidewalk for the purpose of erecting or repairing any building, storing material thereon, making an excavation or for any purpose, shall cause lights to be placed in conspicuous places in front of and about such obstruction or excavation, from dark until sunrise, each night, during the time such obstructions or excavations continue. And also provided, further, that it shall not be lawful for any person or persons using such portion of such streets for the purposes mentioned above, to obstruct or close up the gutters on said streets, but that they must keep the same clear and open, and free from trash, during such time as the street is being occupied by them. Any person or persons offending against the provisions of this ordinance shall be subject to a fine of five dollars for every day such offense is continued.

ART. 480. No person whatever, on any pretense, shall cut any ditch, or shall build or place any barrier or way of earth and shells, or of any other material, across any of the public streets or alleys of this city, so as to impede or obstruct the drainage thereof, unless permission so to do be especially granted by the president and city engineer, who may grant such permission only when it may appear to be for the benefit of the section of the town where the said ditch is to be cut, or the said barrier or way is to be constructed; and any person offending against the provisions of this article shall be fined not exceeding one hundred dollars.

ART. 481. It shall not be lawful for any person or persons to encumber any street, alley or sidewalk, within the limits of the city with cotton, lumber, boxes, crates, firewood, carts, drays, wagons or other articles; and any person or persons so offending shall incur a penalty of five dollars for every day's continuance of such obstruction.

ART. 482. Whenever any article may be found obstructing or encumbering the streets or sidewalks, and the owner or owners, or claimants, of such articles can not be found, it shall be the duty of the chief of police, under the direction of the president, to remove the same to some safe place of deposit, and at the expiration of ten days thereafter, if no demand be made for the same, such article or articles shall be sold by the chief of police at public auction for cash, giving ten days' public notice of the time and place of sale, the proceeds of which, after deducting all expenses and costs, to be deposited with the city treasurer for the use and benefit of owner or owners thereof.

ART. 483. There shall be and is hereby reserved a space of thirty feet in width in the center of the street, known upon the plot or plan of the city as Broadway, the full length thereof, between the cross streets, as far as the same now does, or shall hereafter extend within the corporate limits of Galveston city, whether the said limits shall remain as they now are, or whether the same shall hereafter be extended, for the purpose of planting shade trees and ornamental shrubbery, and to be used only as a footpath and as a place of resort for pedestrians.

ART. 484. It shall be unlawful for any person to encumber said space of thirty feet in the center of Broadway with any manner of temporary or permanent incumbrance, obstruction or impediment of any kind whatever; and it is hereby made the duty of the president at once to remove, or cause the same to be done, any encumbrance, obstruction or impediment that may at any time be placed thereon.

ART. 485. Whenever said trees and shrubbery shall be planted, in whole or in part, in and on the said reservation, or whenever the said reservation is graded or paved, in whole or in part, it shall be unlawful for any person or persons to

drive or ride within, upon or across its said limits, or for any person or persons to permit any animal to go at large or stray therein or thereupon. Any person who shall violate the provisions of this article shall be fined in any sum not exceeding ten dollars.

ART. 486. That it shall be unlawful for any person to use the underground drains of the city for sewerage purposes, or as a place of deposit for refuse matter of any kind, or to construct conduit pipes, boxes or ditches leading or opening into said drains, or to tap or in any manner open said drains with such pipes, boxes or ditches or otherwise, and any person who shall empty, or cause to be emptied or discharged into said drains any impure or unwholesome substance, or use them in any way for sewerage or other purposes, shall, upon conviction thereof, be fined in a sum of not less than ten nor more than one hundred dollars for each offense.

ART. 487. It shall be and is hereby made the duty of the health physician to at once notify all persons who have constructed or are using pipes or openings into said drains, to at once cause the same to be cut off, closed up or removed, failing in which, after twenty-four hours' notice, the person so offending shall be subject to a fine, upon conviction, of not less than five nor more than fifty dollars for each day thereafter that said pipe or other opening into said drain remains unclosed or in such unlawful position; and in addition to said fine, the delinquent shall also pay the cost of filling up or removing said opening or pipe, which may be recovered against him in any court of competent jurisdiction. The city engineer shall immediately proceed to cut off from the drains and close up all such openings and pipes, upon failure of the persons who used them or placed them there so to do, after being duly notified, as hereinbefore provided.

ART. 488. That it shall be unlawful for the driver of any vehicle to obstruct the streets, or in any manner interfere with the clear right of way for the engines, trucks and carts of the fire department in going to fires, or when the alarm of fire is sounded; and it is made the duty of all drivers of vehicles to turn out of the street or streets traversed by

such engines, trucks and carts on their way to a fire or in response to an alarm of fire; and all street cars and other vehicles are prohibited from remaining on the street crossings at night; and all persons are prohibited from obstructing the ends of streets, fronting on the levees, with cord wood or other articles, or in any manner preventing free access to the bay by the fire engines. Any person violating any of the provisions of this article shall be fined in any sum not exceeding fifty dollars.

ART. 489. That it shall be unlawful to take, remove or carry away from any lot or parcel of land within the city any earth, soil or sand, except after survey and under written permit and supervision of the city engineer; nor so as to interfere with any street or alley or other property or with the drainage thereof, nor so as to reduce the level of such lot or parcel of land below the level of the highest adjacent street; provided, however, that this article shall not apply to any necessary excavations for foundations, cisterns, cesspools and the like. Any person who shall violate any provisions of this article shall be fined in any sum not less than ten dollars nor more than one hundred dollars for each offense.

ART. 490. That it shall be unlawful for any person to take, carry away or remove any dirt, sand, soil, earth or shell from the gulf beach between First and Fiftieth streets, or from Pelican Island or Pelican Spit or from any street, alley, highway or public ground within the limits of the city without a permit granted by the board of commissioners, or under its authority. Any person who shall violate any of the provisions of this article shall be fined in any sum not less than five dollars nor more than one hundred dollars.

ART. 491. That the outer edge of the sidewalk shall be on a line with the crown of the street, with a rise of five inches to the line of the lot, and the grade of the city of Galveston, within a line of fifteen hundred feet from the gulf or beach shore, said line running parallel therewith, is and shall be ten (10) feet, measured from mean low tide.

ART. 492. That the beach is hereby expressly set apart, designated, declared to be a public avenue, and as such, sub-

ject to all the regulations and ordinances of the city relating to streets and avenues, and the ordinances of the city forbidding obstructions of streets and avenues, and prescribing penalties for their infringement, are hereby declared to be applicable to the beach, and the proper officers of the city are hereby instructed to strictly execute the provisions of said ordinances, to the end that the beach shall remain clear and open.

ART. 493. For the purpose of filling streets, alleys, highways, public grounds, private lots, premises and property in the city, sand may be taken and removed from the gulf beach between the lines of ordinary high and low tide only, under licenses to be issued by the board of commissioners or under its authority and subject to the following regulations and conditions:

ART. 494. The sand shall be hauled away in drays, carts or wagons, for each of which the owner thereof shall procure a separate license from the city secretary, which license shall state the name of the owner, the character or description of the vehicle and the number of horses or mules used to draw the same, and the dates from and to which such license to haul sand is given, and shall specify that no sand is to be taken above the line of ordinary high tide nor outside the limits otherwise fixed by the city engineer. Before issuance of such license the person applying therefor shall pay the city secretary a license fee according to the following schedule, for each day such license is given:

For each vehicle drawn by one horse or mule, 20 cents.

For each vehicle drawn by two horses or mules, 30 cents.

For each vehicle drawn by more than two horses or mules, 40 cents.

ART. 495. From time to time the city engineer shall designate and indicate by proper means certain limits on the beach within which sand may be taken and removed under such licenses, having in view the accommodation in turn of the different parts of the city and the ability of the police to supervise the work and prevent evasion of the law, and also the prevention of too much excavation at any one place or time. Each license shall be kept by the person in charge

of the vehicle to which it applies, and to be shown to any and every police officer who may demand to see it, and may and shall be revoked and canceled by written notice from the city secretary if at any time or in any manner the vehicle to which it applies is used in violation of its provisions.

ART. 496. Sand for filling streets, alleys, sidewalks, public grounds or for any sanitary or other work done by the city or under its authority and direction, may be taken from the gulf beach between the lines of ordinary high and low tides under the direction, control and supervision of the city engineer, upon whose requisition the city secretary shall issue licenses in ordinary form without charge to the persons in charge of the vehicles engaged in such work.

ART. 497. No person shall take up any portion of the wooden pavement of this city for any purpose whatever without first having obtained a permit from the city engineer, and it is hereby made the duty of said engineer to supervise said work and to compel the replacement of all such pavement in a substantial manner. Any person violating this article shall be punished by a fine of fifty dollars. The city engineer shall be entitled to charge a reasonable amount as compensation for his services under the provisions of this article.

ART. 498. It shall be unlawful for any person, firm or association of persons to erect, keep, have, hold or maintain over or across any sidewalk in the city of Galveston, a hanging or suspended signboard, sign or other device, and each day such hanging or suspended signboard, sign or other device is so erected, kept, had, held or maintained, shall constitute a separate offense; provided, however, that in all instances where there are signboards, signs or other devices now hanging or suspended over or across any of the sidewalks in said city, the owner thereof shall have ninety days from and after the passage of this ordinance within which to remove the same. For a violation of any of the provisions of this article the person so offending shall, on conviction before the recorder, be fined not less than five dollars nor more than fifty dollars.

ART. 499. That it shall be unlawful for any person to cut, break, bruise, mutilate or injure any tree, shrub or flower growing or planted on any esplanade, street or sidewalk in the city. Any person who shall violate the provisions of this article shall be fined in any sum not exceeding ten dollars.

ART. 500. That any person who shall be annoyed or damaged by poultry of any kind running on the streets and sidewalks of the city, may have such annoyance or damage stopped by reporting same to the chief of police, whose duty it shall be to immediately notify the owners of said poultry of the complaint made, and to warn that a second like complaint would subject them to a fine not to exceed ten dollars.

ART. 501. It shall not be lawful for any person to throw or deposit on or in any street, sidewalk, gutter, alley, ditch or drain any filth, garbage, broken glass, tin chips or boxes, bits of leather, paper hand bills, dodgers, advertisements, newspapers, fruit-parings, banana or other fruit peelings or any trash whatsoever, but the same may be placed only in the garbage boxes or barrels prescribed by the ordinances of the city.

ART. 502. It shall not be lawful for any person to throw or drop from the roof or any upper story of any house upon or in any of the streets, alleys, gutters or sidewalks in said city any of the articles aforesaid.

ART. 503. It shall not be lawful for any person, firm or corporation to exhibit or distribute or to have posted or pasted up on any of the bill boards, fences, sidewalks, curbstones, posts or awnings in the city of Galveston, or display in any window or show case any picture, print, lithograph or advertisement representing a human figure in a lewd, improper or indecent manner or representing such human figure as suffering from or being afflicted with disease of any kind whatsoever, nor shall it be lawful in any of the methods aforesaid, to exhibit advertisements of any medicine or remedy purporting to cure such disease or ailment, where such advertisement is accompanied by pictures or representations of persons represented to be suffering from such disease, and all such pictures or representations so exhibited are declared

to be nuisances in any of the streets, alleys, or sidewalks of the city of Galveston, and when posted or pasted up may be removed by the chief of police or other officers of the city.

ART. 504. It shall not be lawful for any firm, corporation or individual to throw in the yard or about the premises of any house-holder in the city of Galveston any package containing medicines or mixtures of drugs, chemicals or concoctions for advertising purposes, or for any other purpose.

ART. 505. That any person violating any of the provisions of this ordinance shall, upon conviction thereof before the recorder, be fined in any sum not less than one dollar nor more than ten dollars, and every day that such pictures or advertisement hereinbefore prohibited shall remain exposed to the public view in the city of Galveston, in any of the methods aforesaid, shall constitute a separate offense under the provisions of this ordinance.

ART. 506. That it shall not be lawful for any person or persons whenever any trees or shrubbery shall have been trimmed or cut, to throw or place the limbs, branches, trimmings or leaves from the same in any street or alley of this city, and such boughs and trimmings are hereby declared to be obstructions, which it shall be unlawful to leave on any street or alley in said city.

ART. 507. Any person violating any of the provisions of the seven preceding articles shall, upon conviction thereof, be fined in any sum not less than one dollar and not exceeding ten dollars.

ART. 508. That where the owner or occupant of any house, store, shop or any residence shall have provided a box or barrel for the purpose of collecting trash or other refuse for removal by the carts of the city, it shall be unlawful for any person, except an employe of the city, to remove, interfere with or destroy such boxes or barrels, so provided and used for such purposes. Any person violating the provisions of this article shall, upon conviction before the recorder, be fined in any sum not less than one dollar nor more than five dollars for each offense.

CHAPTER TWO.

SEA SHORES.

ART. 509. That it shall be unlawful for any person or corporation to make any excavations, or to place any earth, stone, piling, logs, shell, or structures of any kind whatsoever, on the shores or in the waters within the limits of the city of Galveston, as defined in Section 2 of the Charter of said city of Galveston, without first obtaining the consent of the board of the city of Galveston; provided, that the provisions of this ordinance are not intended, and shall not be construed, to extend to any portion of the harbor of Galveston over which the government of the United States lawfully exercises jurisdiction and control, and provided, further, that it is not intended, and shall not be construed to apply to excavations in slips and repairs to wharves now in existence or that may be hereafter authorized by the board.

ART. 510. Any person, whether acting for himself or as agent, officer or employe of any private corporation, or individual or individuals, who shall violate any of the provisions of the foregoing section shall, upon conviction thereof before the recorder of said city, be fined in any sum not more than one hundred dollars for each and every offense.

ART. 511. That whenever any such obstruction or obstructions and excavations or material shall be found or remain on the said shores or in the said waters, in violation of the provisions of this ordinance, and the owner or owners or claimants thereof, or persons placing such obstructions thereon, or causing such excavations, fail or refuse to remove the same within five days after notice, in writing, by the chief of police of said city, the same shall be deemed and constitute a nuisance, and should the president deem it necessary, he shall and he is hereby empowered to order the chief of police, or other qualified officer, to proceed with a sufficient force to remove said obstruction or obstructions, and to restore the said shores and said waters, if excavations shall have been unlawfully made thereon; and said chief of police, or other qualified officer, as aforesaid, is hereby authorized and empowered to summon such force as he may deem necessary

to enforce the provisions of this ordinance, and to remove and abolish such unlawful obstructions.

CHAPTER THREE.

SIDEWALKS.

ART. 512. The sidewalks of the city of Galveston shall be sixteen feet wide, and it shall not be lawful for any person or persons to obstruct or encumber the same in any manner whatever by goods, wares or merchandise of any kind, and merchants, shop-keepers and other persons are required to move the goods, wares and all other objects, which might obstruct or encumber the sidewalks, into their houses, yards or other places under a penalty of five dollars for every day such obstruction or encumbrance shall exist; Provided, any merchant, shop-keeper or other person occupying and doing business in any house in this city shall be allowed four feet of the inner side of the sidewalk fronting such house for the shelter and display, but not for the sale, of such goods, wares and merchandise as are sold or dealt in by such person within such house, under regular license issued by the city, and, provided further, that molasses and all such articles of merchandise as are subject to leakage or escape shall not be kept, sheltered or stored on sidewalks or in such positions as to permit the contents of barrels or packages to escape upon the sidewalk or into the gutters; And, provided, further, that until otherwise ordained by the Board of Commissioners, nothing contained in this article shall operate to interfere with any fruit stand or other stand for sale of merchandise or other wares heretofore established and now in operation on any sidewalk in the city and not using or occupying more than four feet of the inner side of such sidewalk. But persons doing wholesale jobbing or commission business in premises fronting on Avenues A or B or C may use more of the sidewalk in front of their premises for receiving, shipping, handling and keeping their goods and wares and consignments during business hours; provided that there shall always be sufficient space left on such sidewalks for the convenient passage of the public along the same.

Any person who shall violate any provision of this article shall be fined five dollars for each offense and each day such violation shall continue shall constitute a separate offense.

ART. 514. No gallery, balcony or other projection, affixed to or forming a part of any house or other building, shall be made to extend over any sidewalk more than four feet, nor at a less height than ten feet above the sidewalk; and all such as may be otherwise constructed shall be deemed an encroachment upon the sidewalk and a nuisance, and the person who caused the same to be constructed shall incur a penalty of twenty dollars, and the gallery, balcony or projection shall be removed or altered, in conformity with the provisions hereof; and neglect or refusal to alter or remove such nuisance shall subject such person or persons thus offending to a penalty of five dollars per day during the continuance of said nuisance.

ART. 515. Owners or occupants of houses within the city shall have the privilege of extending an awning or shed from said house over the sidewalk; provided, that the same shall extend to the curbing of said sidewalk, and shall be so constructed as not to enclose the public gas lamp, or obstruct the public light. Sufficient openings shall be left to see the lamp plainly from all sides; the pillars or posts supporting the same shall be mortised, or let into the curbing, and seven feet apart; and provided further, that said shed shall be eight feet from the curbs of the sidewalk to the eaves thereof, and next the house ten feet from the ground to the top, and said shed shall be kept at all times neatly painted; provided further, that within the prescribed fire limits such awnings or sheds over sidewalks shall be built or erected on iron columns, and the roof and other necessary woodwork to be covered with fire-proof material. And any person or persons who may have heretofore erected, or who shall hereafter erect an awning or shed from his house contrary to the provisions of this article, shall be compelled to remove the same, and shall be notified so to do by the chief of police, within a certain time, to be appointed in such notice. And every person refusing or neglecting to remove such awning or shed within the time limited as aforesaid, shall be subject,

after the expiration thereof, to a fine of not more than twenty dollars for each and every day the said awning or shed shall be continued.

ART. 516. It shall be the duty of every owner, occupant or agent of any lot or parcel of ground within the limits of the city, to keep the sidewalks in front of and around the same free and clear from weeds, grass and trash, from the line of the said lot or parcel of ground to the curbing of the sidewalks thereof, or at least the distance of sixteen feet from the line or lines of the lot or parcel of ground into the street or streets adjoining, and any and every person failing to comply with the provisions of this article shall be notified by the chief of police to do so within twenty-four hours from the receipt of such notice, and on refusal or failure to comply therewith, such owner, occupant or agent shall be fined in a sum of not more than ten dollars for each and every offense.

ART. 517. It shall be the duty of all owners or occupiers of houses, stores, shops or vacant lots to keep the sidewalks before their houses, stores, shops or vacant lots clean and in good condition, and it shall be unlawful and prohibited to sweep into the gutters, or throw into the streets and alleys, offal, debris or anything else; such sweepings, debris, offal, etc., shall be collected in boxes or barrels and placed before the doors, at the edge of the sidewalk, or in the alleys, as may be directed by the health physician where scavenger carts shall take it at certain hours, not later than 9 o'clock a. m., and the empty boxes or barrels shall not remain on the sidewalk, but be taken back to the house by the owner. Any person violating this article shall be fined not more than ten dollars for each offense.

ART. 518. That the sidewalks on both sides of the hereinafter to be named streets, shall be filled up, graded, curbed and paved, in the manner and with the materials herein designated. The sidewalks so to be improved shall be divided into two classes, viz: class A and class B.

ART. 519. Class A shall embrace the sidewalks on the south side of Avenue A and on both sides of Strand or Avenue B, Mechanic or Avenue C, Postoffice or Avenue E, each between Eighteenth and Twenty-fifth streets; also on both

sides of Market street or Avenue D, from Eighteenth to Twenty-third street; also on both sides of Nineteenth, Twentieth, Twenty-first, Twenty-second, Twenty-third and Twenty-fourth streets, each between Avenue A and Postoffice street or Avenue E; and also on the west side of Eighteenth and on the east side of Twenty-fifth streets. And said sidewalks shall be filled up or raised to the grade established by the city engineer, and paved with either of the following named materials, viz.: asphalt, hard bricks, laid in a bed of Portland cement and properly grouted; concrete, made of Portland cement mixed with other proper materials, or with tile or stone laid in a bed of Portland cement; and the curbing around the same shall be made of the best hard brick, laid in Portland cement and capped with a plank of hard pine, three inches in thickness and twelve inches wide, properly fastened to the curbing with necessary iron bolts.

ART. 520. Class B shall embrace the sidewalks on both sides of Avenues F, G, H, I and J, from Eighteenth street to Twenty-fifth street, and on both sides of Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-second, Twenty-third Twenty-fourth and Twenty-fifth streets, each between Avenues F and J. And said sidewalks shall be filled or raised to the grade established by the city engineer and curbed with red heart cypress wood, stone or brick, and a pavement, six feet in width, laid in center of the same; the said pavement to be composed of either asphalt, hard brick, laid in mortar and grouted; concrete made of Portland cement and other proper materials; tiles or stones.

ART. 521. That where pavements have already been made (excepting such as are made of planks and boards), and they are found to be below the established grade, the owners or agents of the property fronting on the same shall be notified by the city engineer to raise the same forthwith to the required height; and if not done in accordance with the said notice, then, in that event, the board shall cause the same to be done by contract or otherwise, and the cost thereof shall be assessed against the property fronting or abutting on the said sidewalks; where sidewalks have been planked over, or platforms of planks or boards

have been made across the sidewalks, they shall be taken up and removed, and the sidewalk shall be paved as provided herein for other sidewalks. The pavement to be laid upon each sidewalk shall be uniform throughout the same: that is to say, shall be composed of the same material, except when parts of a sidewalk are already paved.

ART. 522. That, in all cases where sidewalks anywhere in the corporate limits are found to be so low or defective that water will accumulate thereon in wet weather, the owners or agents of the property fronting on the same shall be required to fill, raise or repair the same forthwith by making a walk of at least six feet width, on the said sidewalk, of sand, shells, gravel or other imperishable filling, of sufficient height to prevent water from remaining thereon, and making the sidewalk passable in wet weather. If, after thirty days from the passage of this ordinance, any sidewalk within the corporate limits is not filled, raised or repaired in accordance with this article, the said owners or agents shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than one dollar nor more than ten dollars for each day's continuance in such failure or refusal. It is made the duty of the police and health departments to look to the enforcement of this ordinance, and any notice or complaint given to either of the departments of non-compliance with this ordinance, shall receive attention by investigation of the places indicated and by a charge against the respective owners or agents if such charge appears to be justifiable. Complaint to be made by chief of police or the health physician.

ART. 523. That the sidewalks on both sides of Sixteenth street, between Avenue B and alley north of Avenue A;

Eighteenth street, between Avenue B and alley north of Avenue A;

Twenty-third street, between Avenue N and Avenue R;

Twenty-fourth street, between Avenue D and Avenue E;

Twenty-fifth street, between Avenue B and Avenue C;

Twenty-ninth street, between Avenue B and Avenue C;

Thirtieth street, between Avenue E and Avenue H;

Avenue B, between Sixteenth and Eighteenth streets;

Avenue D, between Twenty-fifth and Thirty-third streets;
Avenue E, between Twenty-third and Twenty-fifth streets;
Avenue O, between Twenty-third and Thirty-fourth streets;
shall be curbed by the best hard brick, stone or artificial stone, laid in good cement mortar and brickwork, capped where necessary, with a plank of heart pine, three inches in thickness and twelve inches wide, properly fastened to the curbing with necessary iron bolts, and the sidewalks then filled to grade.

CHAPTER FOUR.

CONDEMNATION OF PROPERTY FOR OPENING STREETS.

ART. 524. That, whenever the board shall deem it necessary to take any private property in order to open, change, or widen any public street, avenue or alley, such property may be taken for such purpose by making just compensation to the owner thereof. If the amount of such compensation can not be agreed upon, it shall be the duty of the board to cause to be stated in writing the real estate or property sought to be taken, the name of the owner thereof and his residence, if known, and file such statement with the county judge of the county of Galveston.

ART. 525. Upon the filing of such statement it shall be the duty of said judge, in term, time or vacation, to appoint three disinterested freeholders and qualified voters of the county of Galveston as special commissioners to assess the damages to accrue to the owner by reason of such proposed condemnation.

ART. 526. The commissioners so appointed shall in their proceedings be governed and controlled by the laws in force in reference to the condemnation of the right of way for railroad companies and the assessment of the damages therefor, the city occupying the position of the railroad company; and all laws in reference to applications for the condemnation of the right of way for railroad companies, including the measure of damages, the right of appeal, and the like, shall apply to an application by the city for the condemnation of property for the purpose of opening, changing or widening

streets, avenues or alleys, the city to occupy the position of the railroad company.

CHAPTER FIVE.

HACKS, DRAYS AND OTHER VEHICLES.

ART. 527. That it shall be unlawful for any person, firm or corporation in said city to run or keep for public or private use or hire any of the vehicles hereinafter mentioned, without having first obtained a license therefor, and given a bond, and paid the license dues prescribed by this ordinance.

ART. 528. That every person, firm or corporation, desiring to keep for public or private use or hire any of the vehicles hereinafter described, shall obtain from the city collector a license, in which shall be described the vehicle, with the number of animals to be used, and the period for which said license shall be in force, and shall execute a bond in the sum of $100, two or more sureties, to be approved by the city collector, payable to said city, and conditioned as follows: That said person, firm or corporation shall well and truly perform and discharge each and all the duties and obligations devolving upon the said person, firm or corporation, and incumbent upon same, under the ordinances of the said city relative to drays and vehicles, dray and vehicle license, driving and managing the same, now in force, or that shall hereafter be enacted; and shall also pay the following license dues for each and every dray, furniture cart, or grocery or delivery wagon, drawn by not more than one animal, as license dues, the sum of five dollars, and the cost of numbering not to exceed twenty-five cents; for each and every milk and butcher wagon, or other vehicle used for such purpose, drawn by not more than one animal, as license dues, the sum of two dollars and fifty cents, and the cost of numbering not to exceed twenty-five cents; for every truck or float, drawn by two animals, as license dues, the sum of twelve dollars, and the cost of numbering not to exceed twenty-five cents; for all other four-wheeled vehicles used for transportation of merchandise, baggage, etc., and drawn by two animals, as license dues, the sum of eight dollars, and the cost of numbering not to exceed twenty-five cents; provided, that when any vehicle

is drawn by a greater number of animals than that specially set forth for such vehicle, an additional amount of one dollar shall be paid for each additional animal; for each and every hack and omnibus, and for each and every street railway car for the transportation of passengers for hire, or for the use and convenience of the guests of hotels, as license dues, the sum of eight dollars, and the cost of numbering not to exceed twenty-five cents; for each and every buggy kept for hire, as license dues, the sum of five dollars, and the cost of numbering not to exceed twenty-five cents; for each and every private carriage drawn by more than one animal, as license dues, the sum of five dollars, and the cost of numbering not to exceed twenty-five cents; for each and every buggy, buckboard, or other vehicle not heretofore mentioned, kept for private use, as license dues, the sum of two dollars and fifty cents, and cost of numbering not to exceed twenty-five cents.

ART. 529. That all drays, carts, trucks, market wagons, grocery wagons, milk carts, other vehicles used for carrying milk, and butchers' wagons, shall have affixed to them a number painted on a plate corresponding to the number of license, and the color of said number shall be changed annually; and all omnibuses and public hacks or carriages shall have painted on the front and side lights a number, in colors to be designated annually by the city collector, corresponding to the number of the license of such vehicle; and all buggies, public and private, and all private carriages shall have affixed to them in some conspicuous place a number, to be furnished by the city collector on payment of license.

ART. 530. That all license dues provided for in the preceding articles of this chapter shall run from the first day of January one year to the first day of January next year; provided, that such license dues may be paid at any time during the year for the unexpired portion thereof, upon payment of a proportionate amount of the annual dues, and license shall be issued therefor.

ART. 531. The amount of license dues hereinbefore mentioned shall be paid to the city collector, who shall issue to the party paying same a receipt for the amount paid; said

receipt shall state the number to be used by said party upon the vehicle paid on by him, and the collector shall also issue a number plate to accompany said receipt, keeping in a book provided for the purpose a correct list of the names of the owners or proprietors of all vehicles hereinbefore mentioned, the number of each receipt and plate delivered, and the designation of each species of carriage or vehicle for which said license dues shall be collected.

ART. 532. Every hack, coach, carriage, cab, omnibus or other vehicle for the conveyance of passengers, when driven or used, or waiting and standing for use on any public street or place in the night time within said city, shall have fixed upon some conspicuous part of each of the outsides thereof, a lighted lamp, with plain glass fronts and sides, with the number designated by the city collector painted with colors, on the inside and fronts of each of said lamps in distinct and legible figures, not less than two inches in size, and so placed that said numbers and lamps may be distinctly seen from the inside and outside of such vehicle; and shall have a card furnished by the city, at the expense of the owner, containing the prices and rates of fare allowed him, and the name of the owner; and said card shall always be kept framed and posted, right side up, in some conspicuous place in each vehicle, so that the same can be easily seen and read by the passengers at all times; and any person or persons running any such vehicles for the purposes herein contained, without complying literally with its provisions, shall pay a fine of not less than ten nor more than one hundred dollars for each and every contravention.

ART. 533. Every person who shall take out a license, as hereinbefore directed, shall be responsible for all persons who shall run with his number or license, unless a declaration of transfer or substitution shall have been made by him at the collector's office, stating the name of the party substituted, which shall be approved by the board of commissioners; and such person so substituted shall be bound in the same manner as if he had taken out the license the first instance, and shall be required to execute a bond as required in article 528; and failing to execute such bond, the substituted or transferred

license shall give such transferee no right to run such vehicle; and every person violating the provisions of this article shall pay a fine of from ten to twenty-five dollars for each and every violation.

ART. 534. Any person who shall run or cause to be run, within the limits of this city, any dray, cart, cab, hack or other vehicle whatever, with false numbers, or who shall have affixed the numbers of any previous year, or the same numbers to two or more vehicles, shall pay a fine of not less than ten dollars nor more than one hundred dollars for each and every such offense.

ART. 535. Whenever the number of any dray, cart, cab, hack or other carriage or vehicle shall be erased or defaced by time or any other cause, so that it can not be distinctly deciphered, the owner of such vehicle aforesaid shall have his number immediately reinstated; and in case of his neglect or refusing so to do, he shall pay a fine of not over twenty-five dollars for each and every violation of this provision, or be imprisoned from seven to fourteen days.

ART. 536. Any drayman, carter, coachman, or other driver of any cart, dray, wagon, cab, hack, coach or other carriage or vehicle whatever, public or private, or any person riding on horseback, or any person riding a bicycle or tricycle, who shall be guilty of running or galloping his horse or horses, mule or mules, through any of the streets of the city or on the beach, within the city limits, or who shall be guilty of driving or riding at any faster rate than a slow trot or pace, not exceeding eight miles an hour, and any drayman or driver of any heavily loaded vehicle who shall drive his dray or vehicle at any faster gait than a walk through the streets of the city, shall be arrested and fined from five to twenty-five dollars for each offense.

ART. 537. It shall be the duty of all draymen, carters, coachmen, and all other drivers of drays, carts, hacks, wagons, cabs or any vehicle whatever, public or private, and the duty of all persons riding bicycles or ticycles, or any person on horseback, when meeting any other carriage or vehicle, or any person on horseback, to take the right side of the street or road they may be in, or on the beach within the city limits,

until such carriage or vehicle, or bicycle or tricycle, or person on horseback, shall have passed, or until they have passed such vehicle, bicycle, tricycle, or person on horseback, and any such driver or rider from behind, shall slow up and pass upon the left of such vehicle, bicycle, tricycle or rider; and any person failing to do so, or in any manner violating the provisions of this article, shall pay a fine of not less than five nor more than twenty-five dollars for each offense.

ART. 538. If any accident or injury shall happen on account of any drayman, carter, coachman, horse or horses, mule or mules, dray, cart, wagon, coach, cab, hack or other vehicle whatever, public or private, or on account of any person riding on horseback, bicycle or tricycle, coming in contact with any person or vehicle anywhere within the city limits, it shall be the duty of such coachman, drayman, carter or other driver or rider aforesaid, to stop and render assistance, if necessary, and to give his name or that of his employer, and place of abode and the number of the carriage or vehicle; and in default thereof he shall pay a fine of not less than ten nor more than twenty-five dollars, or be imprisoned for from ten to fourteen days.

ART. 539. Any person using a bicycle or tricycle on the public streets of this city shall be required to carry on such vehicle, after sundown and before sunrise, a light of sufficient illuminating power to be visible at a distance of two hundred feet, also an alarm bell, and a signal shall be given by sounding said bell, or otherwise, on approaching and crossing the intersection of any streets or avenues. Any person violating any of the provisions of this ordinance shall be punished by a fine of not less than five nor more than twenty-five dollars for each and every offense.

ART. 540. It shall not be lawful for any drayman, or any person, to ride or drive any horse, or cart, or carriage, or other vehicle of any kind whatever, over or on the sidewalk or sidewalks of any street or streets, under a penalty of five dollars for each and every offense, and every drayman or other person who shall injure any sidewalk by thus riding or driving any horse, cart, dray, carriage or other vehicle over the same shall be required to repair the damage done to the said sidewalk

within twenty-four hours thereafter, on penalty of two dollars for each offense.

ART. 541. Carters, draymen, etc., shall not, under any pretext whatever, when unemployed, refuse to transport merchandise and any other articles whatever, on payment of the legal dues, under penalty of fine of five dollars for each and every violation.

ART. 542. Each and every driver of a cart or dray shall be required to take upon his cart or dray a full load—that is, one hogshead of sugar, twelve sacks of coffee, four barrels of liquors or provisions, seven barrels of flour, six sacks of salt (large), four hundred feet of lumber (board measure), one-half cord of wood, three bales of cotton; and no driver shall be required or allowed to take for a load, of any articles not enumerated, more than fifteen hundred pounds; and no vehicle of any kind whatever shall be allowed to haul over the streets of the corporation a load to consist of over six thousand pounds in weight; provided, in such articles as machinery, etc., the president shall have power to grant a special permit.

ART. 543. Every driver of a cart or dray shall be entitled to demand and receive, before delivery of the load, of the person who employs him, the following prices, to-wit: For every load not exceeding ten squares, fifty cents, and in proportion for a greater distance—provided, that nothing herein contained shall prevent a special agreement as to amount to be charged.

ART. 544. The prices to be charged by the owner or owners, driver or drivers, of any hackney coach, carriage, or other vehicle for the conveyance of passengers, for hire, within said city, shall be as follows, to be regulated and estimated by the distance on the most direct route: For carrying a passenger to or from any place within the limits of said city, fifty cents, but in no instance shall any charge be made for children under five years old belonging to the family of or party hiring said vehicle; for the use of any buggy or other vehicle, drawn by one horse or other animal, by the hour, one dollar and fifty cents; for the use of any hack or other vehicle drawn by two horses, per hour, two dollars; and double the above rates between the hours of nine o'clock p. m. and five o'clock a. m.

may be charged. Every passenger shall be allowed to have conveyed upon such vehicle, without extra charge, his ordinary traveling baggage, or other luggage, not to exceed in weight twenty-five pounds. No owner or driver of any hackney coach, cab, carriage, coach, or other vehicle, licensed as aforesaid, shall neglect or refuse to convey in said city any person or persons, with or without such baggage, when applied to for that purpose, or ask, take or extort from any such person, a price or rate of fare for such conveyance greater than is herein established, under a penalty of not less than ten nor more than one hundred dollars.

ART. 545. No owner or owners, or any other person having charge of any cart, dray, hackney coach, or any other carriage or vehicle, whether used for hire, burden or pleasure, shall stop or place such vehicle at or near the intersection of any street, lane or alley, in such a manner as to prevent foot passengers from passing such street, lane or alley; and any person who shall so place any such vehicle, as aforesaid, and shall not immediately, on the request of any foot passenger, cause the same to be removed, or shall absent himself so that the request cannot be immediately made and complied with, shall be liable to pay a fine of not more than one hundred dollars, nor less than ten dollars, for each violation. No person having in charge any coach, cab, omnibus or other carriage or vehicle for the conveyance of passengers, luggage or baggage, shall, while waiting employment at any stand, wharf, railroad depot, or any other place whatever, be or remain more than six feet from the vehicle he has in charge; and no more than one driver shall be allowed to each hackney coach, omnibus or other vehicle intended for the conveyance of passengers, unless it be persons belonging to the same establishment. No owner or driver of any cab, hackney coach, carriage, hack, omnibus, cart, dray, or other vehicle, while waiting employment at any railroad depot, wharf, steamboat landing, or other public places in said city, shall unnecessarily snap, crack or flourish his whip, or use indecent or profane language, or be guilty of boisterous or loud talking, or any disorderly conduct, or vex or annoy travelers or citizens; and such owners and drivers are required to obey any and all rules and regulations adopted by any rail-

road company or person or association for the promotion of order at any public landing, railroad depot, or other public place in said city, not inconsistent with the ordinances of said city and the police regulations thereof. Any person or persons who shall violate any or either of the provisions of this article, or who shall fail or neglect to comply with its requirements, shall, on conviction, pay a fine of not less than ten nor more than one hundred dollars, and, in the discretion of the president, forfeit his license.

ART. 546. That, if any person shall obtain the use of any hackney coach, carriage or vehicle for the conveyance of passengers, or a seat therein, without having the then present means of paying therefor, without notifying the driver or owner thereof of the fact, and shall enjoy the use of the same without paying therefor under the supposed ability so to do, or if any person shall obtain the use of any vehicle or carriage, or a seat therein, with a view to enjoy the same without paying therefor, or in any wise by cunning or device to defraud the owner or driver of any such hack, coach, carriage or other vehicle as aforesaid, out of any of the rates or dues to which any such owner or driver is or may be entitled to receive by virtue of any ordinance, such person so offending shall be deemed guilty of fraudulently obtaining the use of the same; and any person so offending shall be fined in a sum not less than five nor more than twenty-five dollars.

ART. 547. All license dues collected by the city collector, under the provisions of this chapter, shall, after retaining sufficient amounts to pay the expenses of issuing said licenses and keeping a record thereof, be by him paid to the city treasurer, and the amount so paid shall not be used for any other purpose than the improvement of the streets, alleys and avenues of the city; and fines and penalties collected under the provisions of this chapter, shall be used exclusively for the improvement of the streets, alleys and avenues of the city.

ART. 548. That the city collector, whenever it comes to his knowledge that there has been a violation of any article of this chapter, shall notify the chief of police in writing, giving the name or names of the person or persons, and upon receipt of such notification, the chief of police shall cause such person to

be arrested and brought before the recorder; provided, that nothing contained in this article shall prevent the arrest by said chief of police of any offender against this chapter at any time that he may get information otherwise than aforesaid that the chapter is being violated; and the city collector shall have prepared the necessary numbers to be used as hereinbefore mentioned, same to be paid for by owners or drivers of vehicles as hereinbefore mentioned.

ART. 549. That the center of Tremont street, except at its intersection with other streets, from avenue C or Mechanic street, to avenue F or Church street, be and is hereby designated as a stand for hacks and carriages, to stand in single line, one behind the other, facing north or south.

ART. 550. Twentieth street from the north end of the market, fronting on Mechanic street, to the Strand; the center of Bath avenue, from strand to Market street, except at its intersection with Mechanic street, and the necessary space next to the sidewalk around the public square between Twentieth and Twenty-first streets and avenues G and H, are hereby designated as stands for all other vehicles.

ART. 551. Where the center or any part of a street is designated as a stand, vehicles when not employed shall there be drawn up in line, with their drivers in attendance; and it shall be unlawful for any vehicle, when unemployed to stand elsewhere on the streets of the city than at the places hereinbefore designated, unless the consent of the occupants or persons in control of the premises be first obtained for any vehicle to stand in front thereof, next to the sidewalk. While unemployed and while waiting employment, the driver of such vehicle shall be in attendance thereon, and shall not leave his team, except for reasonable cause or necessary purpose, and not then unless his animals are securely tied each with a strong rope or halter to a proper hitching post, with the consent of the person in front of whose premises the post stands, or left in charge of some competent person; provided, the time of such absence shall not exceed ten minutes.

ART. 552. No driver of any hack, omnibus, baggage wagon, dray, or other vehicle for hire, shall stop or permit his vehicle

to stand on those portions of Strand and Twenty-fifth streets within the following boundaries:

Beginning at the property line at the southeast corner of block 685 and running along the east line of said block 685 to the alley line, a distance of one hundred and twenty feet; thence at right angles eastward, sixty feet; thence at right angles southward, one hundred and sixty feet; thence at right angles westward, seventy-six feet; thence at right angles northward to the south property line of said block, forty feet, and thence eastward to the place of beginning, sixteen feet.

ART. 553. No driver of any hack, omnibus, baggage wagon, dray, or other vehicle for hire shall enter the said passenger station, except for the purpose of carrying the baggage of a passenger into the said station; no driver of any such vehicle shall stand on the sidewalk in front of the said passenger station on Twenty-fifth street, and shall not stand on, occupy or be upon the sidewalk on the north side of Strand street, between Twenty-fifth and Twenty-sixth streets, and every such driver shall remain on his vehicle until called by some person to take or receive his baggage, for which purpose only such driver may go upon such sidewalk.

ART. 554. No hotel runner or other person soliciting custom from any hotel or boarding house shall enter the said passenger station, or go upon or stand upon any part of the sidewalk in front of the said station on Twenty-fifth street, nor any part of the sidewalk on the north side of Strand street, between Twenty-fifth and Twenty-sixth streets, and no such hotel runner or other person shall solicit custom or business at any place in the city of Galveston within a radius of two hundred feet from the southeast corner of the said passenger station.

CHAPTER SEVEN.

CENTENARY SYSTEM.

ART. 555. That what is known as the centenary system of numbering houses is hereby adopted for the city of Galveston, and all business houses, dwellings and public buildings within the corporate limits of said city shall be numbered in the manner and according to the said plan or system as hereinafter described.

ART. 556. That First street on the east shall be the base line from which all houses, situated on avenues running east and west, shall be computed and numbered; that all houses on the south side of said avenues shall be numbered with odd numbers, and all houses on the north side of said avenues shall be numbered with even numbers; that there shall be fourteen odd numbers and fourteen even numbers to each block on said avenues, and such half numbers as may be necessary; that, commencing at the base line of First street on the east, the first house going west on the south side of the street shall be numbered 101, the first house on the north side of the street shall be numbered 102, and the houses between First and Second streets shall be numbered alternately with odd and even numbers; that, commencing with Second street, the first house on the south side of the street shall be numbered 201, and the first house on the north side of the street shall be numbered 202, numbering the houses between Second and Third streets alternately with odd and even numbers; that, proceeding west with the numbering of the houses, one hundred shall be added to the number for each block going west, thus: The first number on the south side commencing on Third street shall be 301, the first number on the south side commencing at Fouth street shall be 401, and so on west—that is, Fifth street, 501; Sixth street, 601; Seventh street, 701, and so on to Fifty-sixth street, which would be 5601.

ART. 557. That avenue A on the north shall be the base line from which all houses, situated on streets running north and south, shall be computed and numbered; that all houses on the west side of said streets shall be numbered with odd numbers, and all houses on the east side of said streets shall be numbered with even numbers; that there shall be twelve odd numbers and twelve even numbers to each block on said streets, and such half numbers as may be necessary; that, commencing at the base line on avenue A on the north, the first house going south on the west side of the street shall be numbered 101, and the first house on the east side of the street shall be numbered 102, and the house between avenues A and B shall be numbered alternately with odd and even numbers; that, commencing with avenue B, the first house on

the west side of the street shall be numbered 201, numbering the houses between avenues B and C alternately with odd and even numbers; that, proceeding south with the numbering of the houses, one hundred shall be added to the number for each block going south, thus: The first number on the west side commencing at avenue C shall be 301; the first number on the west side commencing at avenue D shall be 401, and so on south, taking care to reckon by blocks and half numbers of streets south of avenue M.

ART. 558. That all houses in that portion of the city north of avenue A to the channel shall be numbered on the streets running north to the channel from 1 upwards consecutively, with the odd numbers on the west and the even numbers on the east, with an additional prefix of the word "north" to the number, thus: Twenty-fifth street, North 15; Thirtieth street, North 30, etc.

ART. 559. That the figures used shall not be less than two and one-half inches high, and the character of the work and the materials used therefor must be such as to insure durability.

ART. 560. It shall be the duty of the city engineer to see that all new buildings which may hereafter be erected, or changes in the fronts of buildings already erected, shall be supplied with the number or numbers to which they shall be entitled under this ordinance by the owners thereof, and in all such cases the figures shall correspond with the plan or system and specifications herein contained.

ART. 561. That it shall be the duty of each and every owner or agent of any house in the city of Galveston to number the same, or cause the same to be numbered, in accordance with the provisions of this ordinance; and also, when once so numbered, should the numbers from any cause be destroyed or become illegible, to replace or restore the same; and any such person who shall fail or neglect to number his buildings, as provided by this ordinance, on or before the 20th day of January, 1891, or who, having once so numbered them and the numbers shall have become from any cause illegible, shall fail to replace or restore the same within ten days thereafter, shall, in either event, be deemed guilty of an offense and, on convic-

tion thereof before the recorder, shall be fined in any sum not less than two or more than ten dollars, and each day's neglect, after the time herein specified therefor, either to number the houses or to replace or restore numbers that have been destroyed or have become illegible, shall be deemed a separate offense.

ART. 562. That in all cases where there are in existence numbers upon houses not in conformity with the plan or system in this ordinance prescribed , it shall be the duty of the owners or agents of such houses to remove the same before or at the time of numbering under said plan or system.

TITLE XII.

Telegraphs, Telephones and Electric Lights.

CHAPTER ONE.

RULES AND REGULATIONS.

ART. 563. Any telegraph, telephone or electric light company, duly incorporated according to law, doing business or desiring to do business in the city of Galveston, is hereby authorized, after having first obtained permission of the board, to set its poles, pins, abutments, wires and other fixtures, along, and across any of the streets and alleys of the city, subject to the regulations hereinafter provided.

ART. 564. Whenever, in the judgment of the city engineer and the committee on streets and alleys, the use of any alley for such purpose is practicable, the poles of such company shall be placed upon and along said alley, instead of upon and along the streets next adjoining and parallel thereto. Where the poles are set in any alley, they shall be located as near the side lines of the alley as practicable, and in such a manner as not to incommode the public or the adjoining properties or residents.

ART. 565. The poles used as herein provided, shall be of sound timber, not less than five inches in diameter at the upper

end, reasonably straight and of uniform size. All poles within the fire limits shall be thoroughly painted, with two coats of lead and oil paint, of such colors as may be directed by the committee on streets and alleys, and be supplied with iron steps commencing twelve feet from surface of the ground, and reaching to the arms supporting the wires. Said wires shall be run at a height of not less than twenty-five feet above the grade shall be placed in all cases, when practicable, on the outer edge of the sidewalk, just inside the curbstone, and on the line dividing the lots, one from the other, and in no case to be so placed as to obstruct the drainage of the streets or to interfere with or damage in any way the curbstones or other public or private property on the line of the street or alley where such poles shall be erected.

ART. 566. Before any telegraph, telephone or electric light company shall erect any poles upon any street or alley, they shall submit for approval to the board the route of their proposed line or lines, stating the name of the street or streets to be occupied, or, if an alley, the number of the block, and, as far as practicable, the location of each pole. All work of excavating, refilling and restoring the pavement shall be done under the supervision of the city engineer, and to his entire satisfaction, and in all cases the pavement shall be restored as speedily as possible and to the same condition it was before.

ART. 567. The right is hereby reserved to the board, at any time, to direct any alteration in the location of poles, and also in the height at which the wires shall run, but before such alteration is made, at least five days' notice, in writing, shall be given to the president or local officer in charge of the company affected by the proposed alteration, and reasonable opportunity shall be afforded the representatives of such company, or any citizen interested, to be heard therein. But when any such alteration shall be ordered, the said company shall, within five days thereafter, commence such alterations and complete the same as soon as practicable thereafter, and upon failure to do so, it shall be deemed guilty of misdemeanor and punished as hereinafter provided.

ART. 568. Every telegraph, telephone or electric light company, doing business in this city, shall keep on deposit with

the city treasurer the sum of fifty dollars, subject to the order of the city engineer, to be used by him in restoring any sidewalk, gutter, street or alley pavement displaced or injured in the erection, alteration or removal of any pole of such company, when said company refuses or fails to make such restoration to the satisfaction of the committee on streets and alleys. Any company failing to make such deposit within thirty days after the passage of this ordinance, or within five days after commencing business, if a new company, or which shall fail to make good the amount when any portion of it has been expended, as herein provided, within five days after notice so to do has been sent by the city engineer, shall be deemed guilty of a misdemeanor, and punished as hereinafter provided.

ART. 569. Any telegraph, telephone or electric light company, doing business in the city of Galveston, or any president, manager, superintendent or local officer in charge thereof, who shall violate or fail to comply with any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars for each offense.

ART. 570. Any company erecting poles under the provisions of this ordinance shall, before obtaining a permit therefor, file an agreement in the office of the secretary, permitting the city of Galveston to occupy and use the top cross-arm of any pole erected, or which is now erected for the use of said city for fire, police or municipal telegraph purposes free of charge.

ART. 571. Nothing contained in this ordinance shall be so construed as to in any manner affect the right of the city, in the future, to prescribe any other mode of conducting such wires over or under its thoroughfares.

ART. 572. Every telegraph, telephone or electric light company, doing business in this city, shall, within twenty days after the passage of this ordinance, file with the city secretary, its acceptance, in writing, of so much of this ordinance as relates to the use by the city of the top cross-arms of the poles.

ART. 573. That it shall be unlawful for any person to post, tack, paste or attach any bill, sign, card, poster, notice or advertisement of any kind on or to a telegraph, telephone or fire alarm pole, or in any manner injure or deface the same within

the limits of the city of Galveston, and any person who shall violate any of the provisions of this article shall be fined in the sum of not more than ten dollars for each and every offense. And the injuring or defacing of each and every pole in any of the modes described in the preceding article shall constitute a separate offense.

ART. 574. It shall be unlawful for any telegraph, telephone, electric light or power company, or any person or corporation, to construct, maintain or operate any wire or wires at a less distance than three (3) feet from the wire or wires of the city's fire alarm telegraph or electric light plants; provided, however, that whenever the city shall use the top cross-arm on any pole belonging to any telegraph, telephone, electric light or power company for fire, police or municipal purposes, under the provisions of article 568 of the Revised Ordinances, the wires and cross-arms on the pole so used may be placed at not less than eighteen (18) inches apart. Any person or any agent, officer or servant of any corporation, violating the provisions of this ordinance shall, upon conviction thereof before the recorder's court, be fined not less than ten dollars nor more than fifty dollars, at the discretion of the court.

TITLE XIII.

Water Works and Sewerage.

CHAPTER ONE.

RULES AND REGULATIONS.

ART. 575. It shall not be lawful for any person, except the Superintendent of the Water Works, his assistant or an inspector under his charge, to take any water from any public hydrant, plug, street washer, draw-cock, hose or pipe, except for fire purposes or as may be specially authorized or permitted by the Board of Water Commissioners; nor in any way to use or take any city water for private use, for which the

water rates have not first been duly paid and a receipt for said payment or a written permit from the Secretary of the Water Works has first been obtained. Any person violating any of the provisions of this article shall, upon conviction thereof, be punished as hereinafter provided.

ART. 576. It shall not be lawful for any person, except as provided in article 1 of this ordinance, to open any city fire hydrant or to open, remove, or obstruct any city stop-cock or cover, nor to open, obstruct, or in any way interfere with any private hydrant, street washer, pipe or valve, except the owner or his attendant of such private hydrant, street washer, pipe or valve, nor to place or deposit dirt or other material in any public or private stop-cock boxes, or to commit any act tending to obstruct the use thereof, nor in any way to injure any buildings, material, pipe, apparatus, tools or fixtures of said City Water Works. Any person violating any of the provisions of this article shall, upon conviction thereof, be punished as hereinafter provided.

ART. 577. It shall not be lawful for any person whose water service shall have been turned off by the officers of the City Water Works, to reopen or turn on such water, or to direct or permit the same to be done, unless the same shall be reopened or turned on by the Superintendent of the Board of Water Works, or by some person under his charge or direction. Any person violating any of the provisions of this article shall, upon conviction thereof, be punished as hereinafter provided.

ART. 578. It shall not be lawful for any water-taker to permit or allow the water to be used for any other purpose than that named in the assessments upon which payment for water rent is based; nor shall it be lawful for any person to use the water for sprinkling gardens, streets or sidewalks or washing carriages, omnibuses, cars or other vehicles, unless assessments for payments have been made for such purposes; nor shall it be lawful for any water taker to permit leaks on his, her or their private water pipes or fixtures, or allow the water to flow in an unnecessary or wasteful manner, if paid on the basis of specific rates; nor shall it be lawful for any person to hitch a horse or other animal to any fire hydrant, nor to any other hydrant or pipe, either public or private, con-

nected with or belonging to the water works system in the city of Galveston; or to break, injure or deface in any manner, or remove any part of any public hydrant connected with the water works system, or to cause any unnecessary waste of water from same. Any person violating any of the provisions of this section shall, upon conviction thereof before the recorder of this city, be fined in the sum of ten dollars.

CHAPTER TWO.

PLUMBERS.

ART. 579. Any plumber wishing to do business or obtain permission to make attachments or connections, enter hydrants or do any plumbing in connection with the water works, sewers or system of sewerage, of the city of Galveston shall before receiving such permission make his petition in writing to the board of commissioners, giving the name of the firm, if any, and its component members and place of business and asking to become a plumber in connection with said water works and sewerage system, stating his willingness and agreement to abide and be governed by all and singular the rules, regulations and requirements prescribed by the Charter or by the board of commissioners or under its authority touching or concerning said water works and sewerage system and all penalties and conditions that have been or may from time to time be established and prescribed by said board or under its authority.

ART. 580. Every plumber applying for such license must be a resident of Galveston and satisfy the board of commissioners that he is thoroughly competent and qualified for the plumbing business; that he is of good reputation and in every way qualified to receive a license. If his petition for license be granted, he shall at or before the time of receiving such license (which shall be signed by the president and attested by the secretary), execute and deposit with the secretary a bond with two or more sureties, to be approved by the president and by the water works and sewerage commissioner and by the commissioner of finance and revenue, in the sum of $1,000, conditioned that he will indemnify the city of Galveston against any loss or damage by reason of accident, neglect or

any skillfullness in the performance of any work contemplated within the terms of his license, and pay all fines that may be imposed upon him by the board or under its authority.

ART. 581. For violation of any law, ordinance, rule or regulation relative to the water works and sewerage system of the city, the water works and sewerage commissioner may suspend the license of any plumber and his authority to do business thereunder until the matter is reported to and acted upon by the board of commissioners, which may, in its discretion, punish such violation by fine or by revocation and cancellation of such license, or both; and no plumber shall be authorized to do any work under his license while any such fine shall remain unpaid.

ART. 582. All laws, rules and regulations for the management, operation and protection of the waterworks and sewerage system of the city of Galveston which were in force on September 19th, 1901, and which have not by the charter of the city or by ordinance or resolution of the board of commissioners been superseded, modified or repealed, shall stand and be continued in force from and after said 19th day of September, 1901, until otherwise ordered by the board of commissioners.

ART. 583. It shall not be lawful for anyone, except a licensed plumber or as hereinafter provided, to make any sewer connections, to put an installation of city water on any private premises, nor to make any additions or alterations whatever to or on any tap pipe, water pipe, water-cock or other fixture through which city water is taken, or sewer connections are made. Steam plants, employing licensed engineers, may be excused from the operation of this article, provided they first obtain the permission of the board of water commissioners, which the said board may grant or refuse or withdraw at any time as it may deem advisable; all installations of city water, and sewerage connections, and any changes, alterations, or additions, must be reported by the licensed plumbers, or by the licensed engineers, working under the permission of the board, at the Water Works office, not later than the next day after the work has been done. Any person violating any of the

provisions of this article shall, upon conviction thereof, be punished as hereinafter provided.

ART. 584. It shall not be lawful for any person, except the officers of the city water works, or under their orders or directions, to remove any water meter or elevator indicator, or to in any way interfere with such meters or indicators; and any person having charge of such meters or indicators who shall allow or suffer the same to be taken off or to be interfered with, except as stated, shall, upon conviction thereof, be punished as hereinafter provided.

ART. 585. It shall not be lawful for any person to in any manner obstruct the access to any fire hydrant or public stopcock belonging to the said city water works. Any person found guilty of violating any of the provisions of this ordinance hereinbefore set forth shall, upon conviction thereof before the recorder of this city, be fined in the sum of ten dollars ($10).

CHAPTER THREE.

SEWER REGULATIONS.

ART. 586. That every owner, tenant or occupant of any property or premises located upon or near any street or alley or upon any lot abutting on any street or alley along which extends any sewer or system of sewerage owned or controlled or constructed or authorized to be constructed by the city, is hereby required at his own expense to connect with such sewer or system of sewerage, all water closets, sinks and drains upon their respective property or premises so that their contents may be made to empty into such sewers or system of sewerage and to maintain and keep open and use such connections and to observe all rules and regulations concerning the same now of force or hereafter adopted for the management of the water works and sewerage systems.

ART. 587. That any owner, agent, tenant or occupant of any property or premises located upon or near any street or alley or upon any lot abutting on any street or alley, along which extends any sewer or system of sewerage owned or controlled or constructed or authorized to be constructed by the city, who shall construct, keep, maintain, use or permit

to be used, on such property or premises any water closet, sink, drain or other receptacle of sewerage, unless the same is duly connected with such sewers or system of sewerage so as that its contents are made to empty into such sewer or system of sewerage, shall be punished by a fine of not less than $5 nor more than $25 for each such offense, and each day that such water closet, sink or drain is so kept, maintained, used or permitted to be used shall constitute a separate offense. Any person who shall knowingly break, injure or in any way impair or obstruct any pipe, conduit, lateral, sewer, trap, valve, manhole or other part of appliance whatever of the system of sewerage owned or controlled or constructed or authorized to be constructed by the city, or who shall willfully place or allow to flow or escape therein any trash, waste material, grease, storm water or other article, fluid, thing or substance of any kind that is liable to obstruct such pipes, conduits, laterals, sewers, traps, valves or other part of appliance of such sewer or system of sewerage, shall be punished by a fine of not less than $10 nor more than $100 for each and every offense, and each day that any such obstruction shall continue shall constitute a separate offense. Any person who shall willfully violate any other rule or regulation adopted by the board of commissioners for the management of the water works and sewerage systems shall be punished by a fine of not more than $50.

ART. 588. That all such connections with such sewers and sewerage systems shall be constructed, made, maintained and used in mode and manner as prescribed from time to time by rules and regulations adopted by the board of commissioners with reference thereto, and the owner, tenant and occupant of the premises or property so connected shall pay quarterly in advance the rates and tolls prescribed for such sewer service in the schedule of sewer rates and tolls made and established by said board; and if the owner or occupant or tenant of any such premises shall violate any provision of this section, or any rule or regulation adopted by said board relative to sewers or sewerage, the superintendent of water works shall cut off the connection of such property or premises from the sewers or system of sewerage and not permit such connection to be reopened until such provision, rule or regulation is complied

with and until all arrearages of rates or tolls shall have been paid and also such charges as may be fixed in the rules and regulations for making, cutting off and reopening such connections.

ART. 589. That the ordinance concerning sewers and sewerage systems, providing for the operation and maintenance thereof, requiring connections to be made therewith and affixing penalties for its violation, passed April 15, 1901, and the amendment of section 3 of said ordinance, approved May 21, 1901, be and the same are hereby repealed.

Passed November 12, 1901.

ART. 590. When any sewer connections or laterals have been completed in any street or alley for the receiving of house sewerage, or if already completed, in either case, then the owner, tenants and occupants of the building or buildings on lots abutting thereon shall at once connect all water closets on said premises with the sewers or sewerage system, after having procured a permit from the Commissioner of Waterworks and Sewerage, subject to whose approval, supervision and control the work shall be done.

The rates and charges for sewer service shall be as follows until otherwise ordered by the Board:

1. For each hotel and factory and restaurant:

First three closets, $1.50 per month each; all additional closets 75 cents each per month; for connecting slop-hoppers, 75 cents addition per month each.

2. For stores, warehouses, offices, saloons and bar-rooms:

The first closet $1.50 per month; second closet, $1.00 per month; all additional closets, 50 cents per month each.

3. For all public buildings other than city buildings, public school buildings and engine houses:

The first three closets, $2.00 per month each; all additional closets, $1.50 per month each.

4. For each boarding house:

The first two closets, $1.25 per month each; all additional closets 75 cents per month each: for connecting slop-hoppers with sewer, 50 cents per month each additional.

5. For each private residence or cottage:

The first closet, $1.00 per month; all additional closets 50 cents per month each; for connecting slop-hoppers with sewer, 50 cents per month each.

6. For each livery stable:

The first closet, $1.50 per month; second closet, $1.00 per month; for carrying off waste water and urine from horses, $1.00 per month.

All other buildings not mentioned in this schedule will be charged in proportion, property owners paying for all hoppers, traps and pipe connections from the sewer line into their premises, but all plumbing and connections of every kind shall be subject to the supervision, control and approval of said Commissioner of Waterworks and Sewerage, or of the person designated by him. And for all places other than those above described, such rates shall be paid as may be fixed by said Board of Commissioners.

Third: That all connections for sewerage service between laterals or sewers will be constructed by the city or under its authority from such lateral or sewer to the property line of the lot whereon are situated the premises to be served, but the person for whom such connections are contracted shall pay the Waterworks and Sewerage Department five dollars for constructing each such connection.

November 12, 1901.

TITLE XIV.

Library.

CHAPTER ONE.

RULES AND REGULATIONS.

ART. 591. The gift to the city of Galveston by the Galveston Chamber of Commerce of the collection known as the "Galveston Mercantile Library," is hereby accepted, and the same is established as a free public library, for the use of all

citizens and residents of Galveston forever; and the names of all subscribers to the library fund for said Galveston Mercantile Library and all like members thereof shall be conspicuously inscribed in the hall of the Galveston free library as founders of the same, and they shall at all times, wherever resident, have all proper access to and use of the books of said free library.

ART. 592. That the Galveston free library shall be under the control and supervision of the committee on library of the board, who shall make all necessary rules and regulations for the maintenance of the library. There is hereby created the office of city librarian, who shall have charge of the library and who shall be appointed at the time and in the manner prescribed in section 19 of the city charter, whose salary shall be prescribed by the board, not to exceed $900 per annum.

ART. 593. The librarian shall make monthly reports to the board of the books purchased, the number of books lost or damaged, the amount recovered for lost or damaged books, the number of persons who received books from the library and the number of books issued during the month; and on the 28th day of February in each year make an annual report in the same manner, and also report all other matters, suggestions and recommendations which may be best calculated to promote the success of the library. The librarian shall submit to the board a list of such books as may be needed from time to time, and upon the approval of said committee the city's purchasing agent will buy such books, not to exceed the allowance fixed in the annual budget.

ART. 594. Any person who shall willfully or maliciously injure, deface or destroy any book, paper, map or other thing belonging to the library shall be fined in any sum not exceeding twenty-five dollars.

FINAL TITLE.

Section 2. That all ordinances of a general nature in force when these revised ordinances take effect, and which are not included herein, or which are not hereby expressly continued in force, are hereby repealed.

Sec. 3. That the repeal of any ordinance, or any portion thereof, by the preceding section, shall not affect or impair any right or remedy vested or accrued, or any proceeding, suit or prosecution had in any cause, before said appeal takes effect.

Sec. 4. That no ordinance relating to the public debt or the public credit shall be effected by the repealing clause of this title.

Sec. 5. That no ordinance providing for the levy or assessment of any tax, for any purpose, general or special, or making any contract, shall be affected by the repealing clause of this title.

Sec. 6. That the provisions of these revised ordinances, so far as they are substantially the same as the ordinances of the city in force at the time these ordinances shall go into effect, shall be construed as continuations thereof, and not as new enactments of the same.

Sec. 7. That no ordinances, resolutions, orders or other acts of the Board of Commissioners made or passed since December 31st., 1901, shall be in any way affected by the repealing clause of these Revised Ordinances, but all such ordinances, resolutions, orders and other acts shall continue to be of full force and effect, anything contained in these revised ordinances to the contrary notwithstanding.

Sec. 8. That these revised ordinances shall take effect and be in force from and after the 1st day of February, A. D., 1902.

the west side of the street shall be numbered 201, numbering the houses between avenues B and C alternately with odd and even numbers; that, proceeding south with the numbering of the houses, one hundred shall be added to the number for each block going south, thus: The first number on the west side commencing at avenue C shall be 301; the first number on the west side commencing at avenue D shall be 401, and so on south, taking care to reckon by blocks and half numbers of streets south of avenue M.

ART. 558. That all houses in that portion of the city north of avenue A to the channel shall be numbered on the streets running north to the channel from 1 upwards consecutively, with the odd numbers on the west and the even numbers on the east, with an additional prefix of the word "north" to the number, thus: Twenty-fifth street, North 15; Thirtieth street, North 30, etc.

ART. 559. That the figures used shall not be less than two and one-half inches high, and the character of the work and the materials used therefor must be such as to insure durability.

ART. 560. It shall be the duty of the city engineer to see that all new buildings which may hereafter be erected, or changes in the fronts of buildings already erected, shall be supplied with the number or numbers to which they shall be entitled under this ordinance by the owners thereof, and in all such cases the figures shall correspond with the plan or system and specifications herein contained.

ART. 561. That it shall be the duty of each and every owner or agent of any house in the city of Galveston to number the same, or cause the same to be numbered, in accordance with the provisions of this ordinance; and also, when once so numbered, should the numbers from any cause be destroyed or become illegible, to replace or restore the same; and any such person who shall fail or neglect to number his buildings, as provided by this ordinance, on or before the 20th day of January, 1891, or who, having once so numbered them and the numbers shall have become from any cause illegible, shall fail to replace or restore the same within ten days thereafter, shall, in either event, be deemed guilty of an offense and, on convic-

tion thereof before the recorder, shall be fined in any sum not less than two or more than ten dollars, and each day's neglect, after the time herein specified therefor, either to number the houses or to replace or restore numbers that have been destroyed or have become illegible, shall be deemed a separate offense.

ART. 562. That in all cases where there are in existence numbers upon houses not in conformity with the plan or system in this ordinance prescribed , it shall be the duty of the owners or agents of such houses to remove the same before or at the time of numbering under said plan or system.

TITLE XII.

Telegraphs, Telephones and Electric Lights.

CHAPTER ONE.

RULES AND REGULATIONS.

ART. 563. Any telegraph, telephone or electric light company, duly incorporated according to law, doing business or desiring to do business in the city of Galveston, is hereby authorized, after having first obtained permission of the board, to set its poles, pins, abutments, wires and other fixtures, along, and across any of the streets and alleys of the city, subject to the regulations hereinafter provided.

ART. 564. Whenever, in the judgment of the city engineer and the committee on streets and alleys, the use of any alley for such purpose is practicable, the poles of such company shall be placed upon and along said alley, instead of upon and along the streets next adjoining and parallel thereto. Where the poles are set in any alley, they shall be located as near the side lines of the alley as practicable, and in such a manner as not to incommode the public or the adjoining properties or residents.

ART. 565. The poles used as herein provided, shall be of sound timber, not less than five inches in diameter at the upper

end, reasonably straight and of uniform size. All poles within the fire limits shall be thoroughly painted, with two coats of lead and oil paint, of such colors as may be directed by the committee on streets and alleys, and be supplied with iron steps commencing twelve feet from surface of the ground, and reaching to the arms supporting the wires. Said wires shall be run at a height of not less than twenty-five feet above the grade shall be placed in all cases, when practicable, on the outer edge of the sidewalk, just inside the curbstone, and on the line dividing the lots, one from the other, and in no case to be so placed as to obstruct the drainage of the streets or to interfere with or damage in any way the curbstones or other public or private property on the line of the street or alley where such poles shall be erected.

ART. 566. Before any telegraph, telephone or electric light company shall erect any poles upon any street or alley, they shall submit for approval to the board the route of their proposed line or lines, stating the name of the street or streets to be occupied, or, if an alley, the number of the block, and, as far as practicable, the location of each pole. All work of excavating, refilling and restoring the pavement shall be done under the supervision of the city engineer, and to his entire satisfaction, and in all cases the pavement shall be restored as speedily as possible and to the same condition it was before.

ART. 567. The right is hereby reserved to the board, at any time, to direct any alteration in the location of poles, and also in the height at which the wires shall run, but before such alteration is made, at least five days' notice, in writing, shall be given to the president or local officer in charge of the company affected by the proposed alteration, and reasonable opportunity shall be afforded the representatives of such company, or any citizen interested, to be heard therein. But when any such alteration shall be ordered, the said company shall, within five days thereafter, commence such alterations and complete the same as soon as practicable thereafter, and upon failure to do so, it shall be deemed guilty of misdemeanor and punished as hereinafter provided.

ART. 568. Every telegraph, telephone or electric light company, doing business in this city, shall keep on deposit with

the city treasurer the sum of fifty dollars, subject to the order of the city engineer, to be used by him in restoring any sidewalk, gutter, street or alley pavement displaced or injured in the erection, alteration or removal of any pole of such company, when said company refuses or fails to make such restoration to the satisfaction of the committee on streets and alleys. Any company failing to make such deposit within thirty days after the passage of this ordinance, or within five days after commencing business, if a new company, or which shall fail to make good the amount when any portion of it has been expended, as herein provided, within five days after notice so to do has been sent by the city engineer, shall be deemed guilty of a misdemeanor, and punished as hereinafter provided.

ART. 569. Any telegraph, telephone or electric light company, doing business in the city of Galveston, or any president, manager, superintendent or local officer in charge thereof, who shall violate or fail to comply with any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars for each offense.

ART. 570. Any company erecting poles under the provisions of this ordinance shall, before obtaining a permit therefor, file an agreement in the office of the secretary, permitting the city of Galveston to occupy and use the top cross-arm of any pole erected, or which is now erected for the use of said city for fire, police or municipal telegraph purposes free of charge.

ART. 571. Nothing contained in this ordinance shall be so construed as to in any manner affect the right of the city, in the future, to prescribe any other mode of conducting such wires over or under its thoroughfares.

ART. 572. Every telegraph, telephone or electric light company, doing business in this city, shall, within twenty days after the passage of this ordinance, file with the city secretary, its acceptance, in writing, of so much of this ordinance as relates to the use by the city of the top cross-arms of the poles.

ART. 573. That it shall be unlawful for any person to post, tack, paste or attach any bill, sign, card, poster, notice or advertisement of any kind on or to a telegraph, telephone or fire alarm pole, or in any manner injure or deface the same within

the limits of the city of Galveston, and any person who shall violate any of the provisions of this article shall be fined in the sum of not more than ten dollars for each and every offense. And the injuring or defacing of each and every pole in any of the modes described in the preceding article shall constitute a separate offense.

ART. 574. It shall be unlawful for any telegraph, telephone, electric light or power company, or any person or corporation, to construct, maintain or operate any wire or wires at a less distance than three (3) feet from the wire or wires of the city's fire alarm telegraph or electric light plants; provided, however, that whenever the city shall use the top cross-arm on any pole belonging to any telegraph, telephone, electric light or power company for fire, police or municipal purposes, under the provisions of article 568 of the Revised Ordinances, the wires and cross-arms on the pole so used may be placed at not less than eighteen (18) inches apart. Any person or any agent, officer or servant of any corporation, violating the provisions of this ordinance shall, upon conviction thereof before the recorder's court, be fined not less than ten dollars nor more than fifty dollars, at the discretion of the court.

TITLE XIII.

Water Works and Sewerage.

CHAPTER ONE.

RULES AND REGULATIONS.

ART. 575. It shall not be lawful for any person, except the Superintendent of the Water Works, his assistant or an inspector under his charge, to take any water from any public hydrant, plug, street washer, draw-cock, hose or pipe, except for fire purposes or as may be specially authorized or permitted by the Board of Water Commissioners; nor in any way to use or take any city water for private use, for which the

water rates have not first been duly paid and a receipt for said payment or a written permit from the Secretary of the Water Works has first been obtained. Any person violating any of the provisions of this article shall, upon conviction thereof, be punished as hereinafter provided.

ART. 576. It shall not be lawful for any person, except as provided in article 1 of this ordinance, to open any city fire hydrant or to open, remove, or obstruct any city stop-cock or cover, nor to open, obstruct, or in any way interfere with any private hydrant, street washer, pipe or valve, except the owner or his attendant of such private hydrant, street washer, pipe or valve, nor to place or deposit dirt or other material in any public or private stop-cock boxes, or to commit any act tending to obstruct the use thereof, nor in any way to injure any buildings, material, pipe, apparatus, tools or fixtures of said City Water Works. Any person violating any of the provisions of this article shall, upon conviction thereof, be punished as hereinafter provided.

ART. 577. It shall not be lawful for any person whose water service shall have been turned off by the officers of the City Water Works, to reopen or turn on such water, or to direct or permit the same to be done, unless the same shall be reopened or turned on by the Superintendent of the Board of Water Works, or by some person under his charge or direction. Any person violating any of the provisions of this article shall, upon conviction thereof, be punished as hereinafter provided.

ART. 578. It shall not be lawful for any water-taker to permit or allow the water to be used for any other purpose than that named in the assessments upon which payment for water rent is based; nor shall it be lawful for any person to use the water for sprinkling gardens, streets or sidewalks or washing carriages, omnibuses, cars or other vehicles, unless assessments for payments have been made for such purposes; nor shall it be lawful for any water taker to permit leaks on his, her or their private water pipes or fixtures, or allow the water to flow in an unnecessary or wasteful manner, if paid on the basis of specific rates; nor shall it be lawful for any person to hitch a horse or other animal to any fire hydrant, nor to any other hydrant or pipe, either public or private, con-

nected with or belonging to the water works system in the city of Galveston; or to break, injure or deface in any manner, or remove any part of any public hydrant connected with the water works system, or to cause any unnecessary waste of water from same. Any person violating any of the provisions of this section shall, upon conviction thereof before the recorder of this city, be fined in the sum of ten dollars.

CHAPTER TWO.

PLUMBERS.

ART. 579. Any plumber wishing to do business or obtain permission to make attachments or connections, enter hydrants or do any plumbing in connection with the water works, sewers or system of sewerage, of the city of Galveston shall before receiving such permission make his petition in writing to the board of commissioners, giving the name of the firm, if any, and its component members and place of business and asking to become a plumber in connection with said water works and sewerage system, stating his willingness and agreement to abide and be governed by all and singular the rules, regulations and requirements prescribed by the Charter or by the board of commissioners or under its authority touching or concerning said water works and sewerage system and all penalties and conditions that have been or may from time to time be established and prescribed by said board or under its authority.

ART. 580. Every plumber applying for such license must be a resident of Galveston and satisfy the board of commissioners that he is thoroughly competent and qualified for the plumbing business; that he is of good reputation and in every way qualified to receive a license. If his petition for license be granted, he shall at or before the time of receiving such license (which shall be signed by the president and attested by the secretary), execute and deposit with the secretary a bond with two or more sureties, to be approved by the president and by the water works and sewerage commissioner and by the commissioner of finance and revenue, in the sum of $1,000, conditioned that he will indemnify the city of Galveston against any loss or damage by reason of accident, neglect or

any skillfullness in the performance of any work contemplated within the terms of his license, and pay all fines that may be imposed upon him by the board or under its authority.

ART. 581. For violation of any law, ordinance, rule or regulation relative to the water works and sewerage system of the city, the water works and sewerage commissioner may suspend the license of any plumber and his authority to do business thereunder until the matter is reported to and acted upon by the board of commissioners, which may, in its discretion, punish such violation by fine or by revocation and cancellation of such license, or both; and no plumber shall be authorized to do any work under his license while any such fine shall remain unpaid.

ART. 582. All laws, rules and regulations for the management, operation and protection of the waterworks and sewerage system of the city of Galveston which were in force on September 19th, 1901, and which have not by the charter of the city or by ordinance or resolution of the board of commissioners been superseded, modified or repealed, shall stand and be continued in force from and after said 19th day of September, 1901, until otherwise ordered by the board of commissioners.

ART. 583. It shall not be lawful for anyone, except a licensed plumber or as hereinafter provided, to make any sewer connections, to put an installation of city water on any private premises, nor to make any additions or alterations whatever to or on any tap pipe, water pipe, water-cock or other fixture through which city water is taken, or sewer connections are made. Steam plants, employing licensed engineers, may be excused from the operation of this article, provided they first obtain the permission of the board of water commissioners, which the said board may grant or refuse or withdraw at any time as it may deem advisable; all installations of city water, and sewerage connections, and any changes, alterations, or additions, must be reported by the licensed plumbers, or by the licensed engineers, working under the permission of the board, at the Water Works office, not later than the next day after the work has been done. Any person violating any of the

provisions of this article shall, upon conviction thereof, be punished as hereinafter provided.

ART. 584. It shall not be lawful for any person, except the officers of the city water works, or under their orders or directions, to remove any water meter or elevator indicator, or to in any way interfere with such meters or indicators; and any person having charge of such meters or indicators who shall allow or suffer the same to be taken off or to be interfered with, except as stated, shall, upon conviction thereof, be punished as hereinafter provided.

ART. 585. It shall not be lawful for any person to in any manner obstruct the access to any fire hydrant or public stopcock belonging to the said city water works. Any person found guilty of violating any of the provisions of this ordinance hereinbefore set forth shall, upon conviction thereof before the recorder of this city, be fined in the sum of ten dollars ($10).

CHAPTER THREE.

SEWER REGULATIONS.

ART. 586. That every owner, tenant or occupant of any property or premises located upon or near any street or alley or upon any lot abutting on any street or alley along which extends any sewer or system of sewerage owned or controlled or constructed or authorized to be constructed by the city, is hereby required at his own expense to connect with such sewer or system of sewerage, all water closets, sinks and drains upon their respective property or premises so that their contents may be made to empty into such sewers or system of sewerage and to maintain and keep open and use such connections and to observe all rules and regulations concerning the same now of force or hereafter adopted for the management of the water works and sewerage systems.

ART. 587. That any owner, agent, tenant or occupant of any property or premises located upon or near any street or alley or upon any lot abutting on any street or alley, along which extends any sewer or system of sewerage owned or controlled or constructed or authorized to be constructed by the city, who shall construct, keep, maintain, use or permit

to be used, on such property or premises any water closet, sink, drain or other receptacle of sewerage, unless the same is duly connected with such sewers or system of sewerage so as that its contents are made to empty into such sewer or system of sewerage, shall be punished by a fine of not less than $5 nor more than $25 for each such offense, and each day that such water closet, sink or drain is so kept, maintained, used or permitted to be used shall constitute a separate offense. Any person who shall knowingly break, injure or in any way impair or obstruct any pipe, conduit, lateral, sewer, trap, valve, manhole or other part of appliance whatever of the system of sewerage owned or controlled or constructed or authorized to be constructed by the city, or who shall willfully place or allow to flow or escape therein any trash, waste material, grease, storm water or other article, fluid, thing or substance of any kind that is liable to obstruct such pipes, conduits, laterals, sewers, traps, valves or other part of appliance of such sewer or system of sewerage, shall be punished by a fine of not less than $10 nor more than $100 for each and every offense, and each day that any such obstruction shall continue shall constitute a separate offense. Any person who shall willfully violate any other rule or regulation adopted by the board of commissioners for the management of the water works and sewerage systems shall be punished by a fine of not more than $50.

ART. 588. That all such connections with such sewers and sewerage systems shall be constructed, made, maintained and used in mode and manner as prescribed from time to time by rules and regulations adopted by the board of commissioners with reference thereto, and the owner, tenant and occupant of the premises or property so connected shall pay quarterly in advance the rates and tolls prescribed for such sewer service in the schedule of sewer rates and tolls made and established by said board; and if the owner or occupant or tenant of any such premises shall violate any provision of this section, or any rule or regulation adopted by said board relative to sewers or sewerage, the superintendent of water works shall cut off the connection of such property or premises from the sewers or system of sewerage and not permit such connection to be reopened until such provision, rule or regulation is complied

with and until all arrearages of rates or tolls shall have been paid and also such charges as may be fixed in the rules and regulations for making, cutting off and reopening such connections.

ART. 589. That the ordinance concerning sewers and sewerage systems, providing for the operation and maintenance thereof, requiring connections to be made therewith and affixing penalties for its violation, passed April 15, 1901, and the amendment of section 3 of said ordinance, approved May 21, 1901, be and the same are hereby repealed.

Passed November 12, 1901.

ART. 590. When any sewer connections or laterals have been completed in any street or alley for the receiving of house sewerage, or if already completed, in either case, then the owner, tenants and occupants of the building or buildings on lots abutting thereon shall at once connect all water closets on said premises with the sewers or sewerage system, after having procured a permit from the Commissioner of Waterworks and Sewerage, subject to whose approval, supervision and control the work shall be done.

The rates and charges for sewer service shall be as follows until otherwise ordered by the Board:

1. For each hotel and factory and restaurant:

First three closets, $1.50 per month each; all additional closets 75 cents each per month; for connecting slop-hoppers, 75 cents addition per month each.

2. For stores, warehouses, offices, saloons and bar-rooms:

The first closet $1.50 per month; second closet, $1.00 per month; all additional closets, 50 cents per month each.

3. For all public buildings other than city buildings, public school buildings and engine houses:

The first three closets, $2.00 per month each; all additional closets, $1.50 per month each.

4. For each boarding house:

The first two closets, $1.25 per month each; all additional closets 75 cents per month each: for connecting slop-hoppers with sewer, 50 cents per month each additional.

5. For each private residence or cottage:

The first closet, $1.00 per month; all additional closets 50 cents per month each; for connecting slop-hoppers with sewer, 50 cents per month each.

6. For each livery stable:

The first closet, $1.50 per month; second closet, $1.00 per month; for carrying off waste water and urine from horses, $1.00 per month.

All other buildings not mentioned in this schedule will be charged in proportion, property owners paying for all hoppers, traps and pipe connections from the sewer line into their premises, but all plumbing and connections of every kind shall be subject to the supervision, control and approval of said Commissioner of Waterworks and Sewerage, or of the person designated by him. And for all places other than those above described, such rates shall be paid as may be fixed by said Board of Commissioners.

Third: That all connections for sewerage service between laterals or sewers will be constructed by the city or under its authority from such lateral or sewer to the property line of the lot whereon are situated the premises to be served, but the person for whom such connections are contracted shall pay the Waterworks and Sewerage Department five dollars for constructing each such connection.

November 12, 1901.

TITLE XIV.

Library.

CHAPTER ONE.

RULES AND REGULATIONS.

ART. 591. The gift to the city of Galveston by the Galveston Chamber of Commerce of the collection known as the "Galveston Mercantile Library," is hereby accepted, and the same is established as a free public library, for the use of all

citizens and residents of Galveston forever; and the names of all subscribers to the library fund for said Galveston Mercantile Library and all like members thereof shall be conspicuously inscribed in the hall of the Galveston free library as founders of the same, and they shall at all times, wherever resident, have all proper access to and use of the books of said free library.

ART. 592. That the Galveston free library shall be under the control and supervision of the committee on library of the board, who shall make all necessary rules and regulations for the maintenance of the library. There is hereby created the office of city librarian, who shall have charge of the library and who shall be appointed at the time and in the manner prescribed in section 19 of the city charter, whose salary shall be prescribed by the board, not to exceed $900 per annum.

ART. 593. The librarian shall make monthly reports to the board of the books purchased, the number of books lost or damaged, the amount recovered for lost or damaged books, the number of persons who received books from the library and the number of books issued during the month; and on the 28th day of February in each year make an annual report in the same manner, and also report all other matters, suggestions and recommendations which may be best calculated to promote the success of the library. The librarian shall submit to the board a list of such books as may be needed from time to time, and upon the approval of said committee the city's purchasing agent will buy such books, not to exceed the allowance fixed in the annual budget.

ART. 594. Any person who shall willfully or maliciously injure, deface or destroy any book, paper, map or other thing belonging to the library shall be fined in any sum not exceeding twenty-five dollars.

FINAL TITLE.

SECTION 2. That all ordinances of a general nature in force when these revised ordinances take effect, and which are not included herein, or which are not hereby expressly continued in force, are hereby repealed.

SEC. 3. That the repeal of any ordinance, or any portion thereof, by the preceding section, shall not affect or impair any right or remedy vested or accrued, or any proceeding, suit or prosecution had in any cause, before said appeal takes effect.

SEC. 4. That no ordinance relating to the public debt or the public credit shall be effected by the repealing clause of this title.

SEC. 5. That no ordinance providing for the levy or assessment of any tax, for any purpose, general or special, or making any contract, shall be affected by the repealing clause of this title.

SEC. 6. That the provisions of these revised ordinances, so far as they are substantially the same as the ordinances of the city in force at the time these ordinances shall go into effect, shall be construed as continuations thereof, and not as new enactments of the same.

SEC. 7. That no ordinances, resolutions, orders or other acts of the Board of Commissioners made or passed since December 31st., 1901, shall be in any way affected by the repealing clause of these Revised Ordinances, but all such ordinances, resolutions, orders and other acts shall continue to be of full force and effect, anything contained in these revised ordinances to the contrary notwithstanding.

SEC. 8. That these revised ordinances shall take effect and be in force from and after the 1st day of February, A. D., 1902.

INDEX TO REVISED ORDINANCES.

ANIMALS— ART.

Running at large prohibited 362
May be impounded 362
Fees for impounding 363
Redemption of animals 364
May be killed, when 365
Milch cows and horses, driving 366
Swine and goats 367
Penalties for keeping 368, 369
Driving cattle and beeves, regulating 370
Prevention of cruelty to 374
Penalties for cruelty to 375, 376

ARMS—

Unlawful carrying 381
Exemptions 382
Penalty for carrying 383
Recorder to try violators 383

ASSESSMENTS, SPECIAL—

Filling low and filthy spots 179
Cost of same, how assessed 180
Mode of condemnation 180

BALLS, PUBLIC—

Regulations concerning 355, 356, 357

BARBED WIRE FENCES—

Unlawful to construct 394
Limits within 395
Penalties 396

BARROOMS—

Opening and closing 358

BATHING—

Regulations concerning 359, 360, 361

BEACH—

Sand, removal prohibited 489, 490
Avenue, public 492
Streets, ordinances, apply to 492

	ART.
BONDS—	
Official	23
BUILDINGS—	
Roofs, outside fire limits	238
Wooden prohibited in fire limits	240
May be repaired in fire limits, how	239
Damage by fire may be repaired, how	244
Dilapidated may be condemned, how	241
Dangerous may be condemned, how	243
Duties of builders before commencing to build	247
Unlawful to build without a permit	250
Permit to build shall contain what	250
Penalties for building without a permit	250
Regulating construction of awnings	264, 265
CEMETERIES—	
City cemetery, what constitutes	33
Lake View, what constitutes	34
Lake View, size of lots, price of	35
Map and survey, how made	36
Lots, how sold	37
Deed, form of	38
Fees for deed	38
Record of sales, how kept	38
Lots in city cemetery, how sold	39
Proceeds of lots, cemetery fund	40
Graves in, how prepared	41
Sexton, compensation, how fixed	41
Paupers	42
Committee on, examination and report	43
Burials, register of	44
Burials to be registered	45
Register to be kept, where	46
Sexton, oath of	47
Sexton, duties of	48
Certificate of death required	48
Burial outside city, certificate	49
Penalty for burial without certificate	50
Certificate, refusal to furnish	51
Householders, duties of	51
Physician attending duties of	51
Sexton, weekly report of burials	52
Lots, sexton to keep record of	52
Health physician, duties of	53
Mortuary lists, to be published	53
Disinterment of bodies, regulated	54
Interment of bodies in vaults, regulated	55

CEMETERIES—*Continued.* ART.
Disinterment prohibited in cases of contagion or pestilence . . . 56
Sexton, disinterment without consent 57
Sexton to prepare graves 56
Injury to tombstones, etc., penalty 59
Sexton, duties, records, reports 60

CHIEF OF POLICE—
Substitutes, shall appoint 321
May suspend policeman 322
Appointment, salary, bond 1, 7
Jury fees, shall pay 340
Smoking ordinance, shall enforce 266
Costs in recorder's court 342, 343
Shall enforce judgments in 345
Public balls, duties in regard to 356
Dogs, duties in regard to 378
Obstructions in streets, shall remove 479

COLLECTOR, CITY—
Vehicle licenses, shall collect 528
Licenses, shall issue 528
Numbers, shall prepare and issue 528
Duties as to licenses 547
Notification to chief of police 548
Numbers for vehicles 534, 535

CONDEMNATION OF GROUND FOR STREET—
Board, duties in relation to 524
Commissioners, how appointed 525
Damages for, how estimated 526
Appeal provided for 526

COSTS—
Recorder's Court 342

DOGS—
Licenses 378
Killed, may be 378
President's duties 379
Biting, shall be killed 380

ENGINEER, CITY—
Specifications for repairs in fire limits 235
Grade of lots, shall certify to 247
Book of registration, shall keep 247
Lake View cemetery, shall lay off and plat 35, 36
Railroads, duties concerning 425

ENGINEER, CITY—*Continued.* ART.
Grades of railroads, shall give 426
Paving, railroads, estimates, shall make 433
Supervision over railroads 435
Expenses, railroads, duties 436
Appointment, bond, salary, qualification 1, 9
Monuments, shall establish and ascertain 458
Books of record, shall procure 460
Measuring rods, property, etc. 460
Deputy, power to appoint 460
Surveys, shall make 461
Fees, may charge 462
Levels, shall run 463
Grades, shall give and mark 464
Bench marks, shall establish 464
Meetings of council, shall attend 465
Work on streets, shall supervise 466
Contracts, shall supervise and report 467
Railroads, shall supervise construction 467
Laborers and workmen, shall employ 468
Pay roll, shall make and report 468
Material, shall inspect, receive and measure 468
Shall not be interested in contracts 469
Grade of alleys, shall establish 476
Duties *in re.* underground drains 487
Pavement, may grant permit to remove 497
Fees in removal of pavements 497

CHIEF OF FIRE DEPARTMENT—
Appointment of, bond, salary 1, 8
Duties of 231
Shall make inspection and report to council 231
Duties in repairs in fire limits 239
Supervise improvements in fire limits 239
Shall enforce fire ordinances 245
Shall inspect buildings, flues and chimneys 245
May enter buildings for purposes of inspection 245
Shall enforce fire ordinances 245
Duties in regard to petroleum 274

EXPECTORATION—
Regulating 417

FENCES, DIVISION—
Construction of, regulating 391, 392
Penalties 392

FENCES—
(See barbed wire fences) 394, 396

	ART.
FIRE ESCAPES—	
Providing for	293
Requirements, substance	294
Chief of fire department, duties	295
Penalties	296
Erection of buildings	297
FIRES, PREVENTION AND EXTINGUISHMENT—	
Alarm, how given	251
False alarm, penalty	251a
Hatchways, to be closed	252
Counterfeiting signal box keys	253
Combustible material	255
Gun, pistol discharging	256
Yards, fire in prohibited	258
Coals and brands, carrying	257
Chimneys, flues, stoves, regulated	259, 260
Powder, regulations	263
Smoking pipes, cigars, etc.	266, 267
Obstructing streets during fire	268
FIRE WARDEN—	
Underwriter's Inspector, shall be	——
FIRE ALARM TELEGRAPH—	
False alarm, penalty	251a, 252
Signal boxes, counterfeiting	253
Signal box, etc., tampering with	254
FIRE CRACKERS AND FIRE WORKS—	
Penalty for discharging	256
FIRE DEPARTMENT—	
Organization of	220
Members of, appointment, qualifications, removal, suspension	221
Chief, duties of	221
Tools and property, taking, punished	222
Racing prohibited	223
Drivers' duties	224, 225
Rules and regulations, companies must have	226
Purchases prohibited	227
Hose, driving over, prohibited	228
Horses, exercise of	229
Liquor prohibited	229
Steam, maximum of	229
Duties of officers at fires	230
Inspection by engineers, and report	231
Register, city clerk to keep	232
Post of chief, at fires	233
Hose, penalty for running over	228

	ART.
FIRE LIMITS—	
Boundaries of	234
Houses in, raised for sanitary purposes	235
Specifications, city engineer to make	235
Buildings and repairs in, regulated	235
Buildings, removal of, in, regulated	236, 237
Buildings in, walls and roofs	238
Roofs, outside fire limits	239
Damages by fire, repairs regulated	240
Dilapidated buildings, condemnation and removal of	241
Dangerous buildings, condemned, how	243
Plank sidewalks in, prohibited	246
Permits to build in, required	247
Lots to be graded	246
City engineer, certificate	246
Cotton samples, buildings where kept	248
Privies in, how constructed	203
FISH—	
Regulating sale of	307
Lobsters, to plant and care for	415
Regulating the catching of	415
FOOD—	
Unwholesome, selling, punished	184
Selling tainted meats	184
Police and health inspectors, duties of	184
GAMBLING—	
Playing cards	397
Public place, defined	398
Proof of betting unnecessary	399
Owners of house	401
Renting house or room	402
Witnesses must attend	403
Witness not liable	403
GRAIN CARS, WHARF—	
Persons loitering around	166
Taking and selling grain	167
Handling stolen grain	168
Theft	169
HACKS, DRAYS, VEHICLES—	
License and bond required	527
License tax, rate of	528
Street cars taxed	528
Numbers to be attached to	529
Color of numbers changed annually	529

HACKS, DRAYS, VEHICLES—*Continued.* ART.
License to run from January to January 530
License to be paid to collector 531
Collector to issue license and numbers 532
Lamps to be lighted on hacks, omnibuses 532
Card rates to be posted in 532
Licenses, how transferred 533
False numbers, penalty for using 534
Defaced numbers reinstated 535
Fast riding or driving 536
Rules governing, in passing each other 537
Accidents, must render assistance 538
Sidewalks, riding or driving over 540
Refusing loads prohibited 541
Load, what constitutes 542
Price of loads 543
Price of hack fares 544
Penalty for extortion 544
Obstructing street prohibited 545
Drivers not to leave vehicle 545
Rules at railroad and steamboat landings 545
Obtaining vehicle without paying therefor 546
License tax to be used for streets 547
Fines to be used as street fund 547
Collector's duties as to licenses 548
Numbers, prepared by whom 548
Where they shall stand 549, 550
Duties of drivers when standing 551
Penalty, general provision 552
Bicycles and tricycles regulated 536, 539
Rules at depots 553, 554

HARBOR AND WHARVES—
Vessels not to lay in stream 142
Duties of vessels in stream 143
Duties of vessels at wharves 144
Vessels not to load or discharge in stream 146
Ship keepers 147
Penalties 148
Harbor master to enforce rules 149
Penalty for bringing wreck into harbor 150
Casting obstructions or filth into harbor 151
Combustibles not to be heated on board of vessels 154
Ballast not to be thrown overboard 154
Ballast not to be unloaded at night 154
Regulating discharge of gunpowder at wharves 155
Removal of goods from wharf regulated 156
Regulating piling of freight on wharves 156

	Art.
Harbor Master—	
To enforce smoking ordinance	266
Appointment, salary, bond	11
Shall enforce harbor rules	152
Shall regulate berths of vessels	155
Penalty for refusal to obey orders of	155
Shall enforce ordinances, etc.	156
Health Department—	
Establishment of hospitals prohibited	170
Sick or diseased persons to be removed by	171
Shall abate nuisances, how	183
May fill up low, filthy lots, how	179
Costs of filling low, filthy lots, how assessed	180
Shall cause premises to be inspected	181
Houses, building lots and yards to be disinfected	181
Selling tainted meats punished	184
Selling unwholesome poultry, fish, flesh or vegetables	184
Unwholesome places prohibited and punished	185
Notices, how served	188
Penalties	189, 190
Sanitary regulations	191
Privies, where constructed	192
Privies, keeping offensive, punished	193
Privies not to be constructed on street or alley	192
Removing night soil, regulated	195
Dead carcasses, carrion, etc.	196
Garbage, removal regulated	197
Owner to remove dead animal	196
Garbage not to be placed in street	194
Boiler manufactories, breweries, etc.	198
Wharves, docks and ships regulated	199
Wharf owners to remove noxious substance	199
Vessels containing stagnant water	200
Owners of vessels, duties of	200
Infected articles, duties of health physician	201
Skinning dead animals prohibited	202
Privies in fire limits, how constructed	203
Health Physician—	
Appointment, salary, bond	1, 10
Grant permits to hospital	172
Shall prevent disease	173
Establish pest houses	173
May destroy infected clothes, material, etc.	173
Duties of vessel in regard to sick person	174
Conveyors of sick persons	175

HEALTH PHYSICIAN—*Continued.* ART.
May prevent the entrance and order the removal of vessels . . . 177
May be invested with police powers . . . 182
Shall abate nuisances . . . 183
Duties of . . . 171
Duties, deaths and burials . . . 187
Duties of, infected articles . . . 201
Death certificates, duties . . . 53
Mortuary list, shall publish . . . 53
Death certificates, abstract of . . . 53
Underground drains, duties . . . 487

HOUSES AND BUILDINGS, REMOVAL—
President to grant permit . . . 236
Conditions may be imposed . . . 236
Rules and regulations . . . 237
Permit in fire limits prohibited . . . 237
Buildings must have fire-proof roofs, that have been moved . . . 238

ITINERANT VENDORS—
License, application for . . . 130
Penalty . . . 131
Health officer, duties . . . 133
Tax on . . . 134
Goods, contagious . . . 135
Exceptions . . . 136

JUNK DEALERS—
Chief of Police, duty . . . 406
Book must be procured by . . . 407
Book marked how . . . 408
Penalties . . . 409
Dealer defined . . . 410

LEWD ADVERTISEMENTS . . . 503

LIBRARIES, FREE—
Establishing . . . 591
Librarian, how appointed, salary . . . 592
Librarian, duties of . . . 593
Expenditures, how made . . . 593
Report to be made annually . . . 593
Penalties, etc. . . . 594

LICENSES—
By whom issued . . . 126a
Penalty for not procuring . . . 127
Penalty for not posting . . . 128
Time issued for, liquor and beer . . . 63

	ART.
LIQUOR DEALERS—	
Tax levied on	61
Duties before commencing business	62
Time license issued for	63
Collector to issue license	62
Transfers	64
Penalty for not posting license	62
Penalties	65
Payment of United States tax, effect of	66
Secretary's duties, books	67
Collector's duties, books	67
Exchange of license	68
LOAFING—	
Congregating, idling, etc.	421
MARKETS—	
Meat to be sold in, only	301
Hours for opening and closing	303
Stall in city, regulated	304
Stalls to be rented annually	304
Stalls, price of, to be fixed	304
Renting stalls, regulated	304
Cleaner to be employed	305
Cleaner shall give bond	305
Obstructing streets about, prohibited	306
Interfering with ropes, tackle, etc., prohibited	306
Injury to stalls prohibited	306
Sale of tainted meats prohibited	184
Private, how established	311
Private, limitation on	311
Stalls, standing or sitting on, prohibited	312
Offenses against occupants of stalls	313
Refuse to be thrown in tubs or barrels	310
Private, prohibited in certain limits	311
Third ward limits	311
Penalties	316
Fish, regulating sale of	316
Vegetables	314
Penalties	315
Sales from carts, wagons, etc.	314
Game and fish	314
MALICIOUS MISCHIEF—	
Injuries to public property	420, 423

	Art.
MANUSCRIPT BONDS—	
Auditor shall prepare	137
Delivery to Treasurer	138
Shall be stamped, how	139
Shall burn and destroy	140
Trust and sinking funds	141
MINORS—	
Establishing curfew law	418
Penalties	419
OATH OF OFFICE—	
Prescribed	337
OCCUPATION TAXES—	
Acrobats	93
Auctioneers	76
Baseball Parks	112
Billiard and Pool Tables	85
Bridge Toll	77
Buggies and other vehicles	99
Bull and dog fights	95
Circus	91
Cock pit	96
Concerts	98
Clocks and ranges	108
Cigarettes	124
Cotton brokers	103
Cotton and wool buyers	106
Cotton seed oil products	121
Commission, selling on	79
Commission merchant	104, 123
Dentists	82
Electric lights	110
Elevator grain	117
Electric battery	118
Fortune tellers	73
Gas companies	109
Graphophones, phonographs	118
Horse races, pools	86
Hobby horses, jennies	88
Ice dealers	114
Industrial, insurance agents	102
Insurance agents	101
Insurance agents	102
Knife, cane and doll racks	84
Kinetoscope	119
Land agents	80

Occupation Taxes—*Continued.*	Art.
Laundry, steam	113
Lawyers	81
Lightning rods	——
Livery stable	99
Merchants	70, 71
Menageries	92
Menageries, wax-works	97
Money brokers, shavers	74
Patent medicines	72
Pawnbrokers	105
Panorama, view shows	120
Phonographs	119
Photographs	75
Peddlers	89
Race tracks	115
Sewing machines	107
Ship agents	78
Shooting gallery	83
Slight of hand	94
Skating rinks	111
Shows, all kinds	120
Street car companies	116
Steam laundry	113
Theaters	90
Ten pin alleys	87
Wagon yards	99
Wagon and buggy peddlers	108
Wax and other works	97
Licenses, time of	125
Licenses, transfer of	126
Licenses, posting of	128
Penalties	129
Dismissal of prosecution	129

Offenses Against Public Peace—	
Keeping of sundry houses	347
Fighting, quarreling, disorderly conduct	348
Injuring fences, doors, houses, signs	348
Intruding and trespassing	348
Abusing, provoking, disturbing	348
Exposing signs, prints, caricatures	348
Disturbing religious or other meetings	349
Vagrants, beggars, tramps, etc.	350
Bawdy houses, assignation houses	352
Loafing defined	351
Opium, keeping houses for smoking	352

OFFENSES AGAINST PUBLIC PEACE—*Continued.* ART.
Renting houses for prostitution, opium 353
Cards and dice, playing at 354
Public balls, regulating 355–357
Riots and disturbances at balls 357
Bar rooms, opening and closing 358
Bathing regulations 359–361
Animals running at large 302
Public pound, regulating 302
Swine and goats 367
Penalties for keeping sundry 367, 368
Driving cattle and beeves 370, 371
Pigeons, keeping 372
Glanders, regulating 367
Dogs, license fees and regulations 378–380
Dogs, biting, shall be killed 380
Arms, unlawful carrying 381
Arms, penalty for carrying 383
Shows, circuses and exhibitions 389
Shrubbery, injuring 485
Chickens running at large 412
Crowds on sidewalks prohibited 421
Disposition of funds from fines and sales 363
Redemption of animals 364
Chief of Police shall kill animals 365
Cows and horses, in streets, can drive 366
Cruelty to animals 374
Diseased animals 375
Penalties 376

OFFICERS—
Appointments of charter 1
Tenure of office 1
Treasurer, bond, salary, duties 2
Attorney, bond, salary, duties 3
Auditor, bond, salary, duties 4
Assessor and Collector, bond, salary, duties 5
Recorder, bond, salary, duties 6
Chief of Police, bond, salary, duties 7
Chief of the Fire Department, bond, salary, duties 8
Engineer, bond, salary, duties 9
Health Physician, bond, salary, duties 10
Harbor Master, bond, salary, duties 11
Sexton, bond, salary, duties 12
Superintendent of Waterworks, bond, salary, duties 13
Engineer of Waterworks, bond, salary, duties 14
Secretary, bond, salary, duties 15

OFFICERS—*Continued.* ART.
Officers created by the board, bonds, salaries, duties 16
Approval of bonds 17
Commissioners 18
Duties, indicated by it, shall perform 19
Abolishment of 20
Affirming, creation and filling 21
President of board, shall perform, etc. 22
Oaths of 23
Time for qualification of 24
Shall make inventories of property 25
Leave of absence how granted 26
Leave of absence, to whom granted 27
May grant leave of absence, to whom 28
Leave of absence, substitutes 29
Absence from duty, punished, how 30
Commissioners shall make rules and regulations for their departments 31

OIL STORAGE—
Regulations concerning 273
Inspection and examination 274
Further rules 275, 277
Regulating material of tanks 278, 279
Tanks, surroundings 280, 281

ORDINANCES—
Amended, how 317
Constructions and definitions 318

PASSENGER STATION—
Hotel runners, regulations 554
Loafing around . . . . . ——

PAWNBROKERS—
Chief of Police to procure books 384
Shall exhibit books and pawned articles 384
Books, form of 385
Books, how to be kept 386
Entries to be made daily 387
Penalties 388

PETROLEUM OIL AND INFLAMMABLE COMMODITIES—
Regulating quality to be kept 273
Regulating storage of 274
Certificate of Chief Engineer as to 274
Chief Engineer shall give certificate of 274
Duty of the President in regard to 275

PETROLEUM OIL AND INFLAMMABLE COMMODITIES—*Continued.* ART.
Certificate to be hung up 275
Premises to be open for inspection 275
Not to be manufactured in street or dwelling house 279
Penalty for violating 278, 279

PIGEONS—
Keeping prohibited 372

PLUMBERS—
Application to board in writing 579
Qualifications, bond 580
Suspension of license 381
Laws, waterworks and sewerage 582

POULTRY—
Running on streets prohibited 412

POLICE DEPARTMENT—
Organization of 320
Officers and members of 320
How appointed 320
Substitute, chief to appoint 321
Policemen, may be suspended for what 322
Policemen, qualifications of duties 323
Powers of policemen 323
Suspension and removal 322
May enter dwelling 323
Interference with, punished 324
Assignment to duty 325
Arms and equipments 325
Policeman's whistle, unlawful to blow 327
Policeman shall arrest, unlawful carrying arms 381

PORT WARDENS—
Appointment of 157
Duties of 158
Duties relating to vessels breaking bulk 159
Fees for services 160
More than one Port Warden required in certain cases 161
May be removed, for what 162

POLICEMEN—
Chief shall enforce State gaming laws 404
Penalty for failure to enforce laws 405

POUND, PUBLIC—
Regulations concerning 362
Owners may redeem 364

POUND, PUBLIC—*Continued.* ART.
Animals to be killed, when 365
Animals, when to be driven 366
Fees for impounding 363

POWDER—
Regulating use of 263
Regulating discharge of, at wharves 155

PRESIDENT—
Building permits, shall issue 250
Petroleum, duties in regard to 275, 276
Dogs, duties in regard to 379
Permits to remove buildings, shall grant 240
Permits to repair wooden buildings damaged by fire 240
Inspectors of dilapidated buildings, shall appoint 241
Obstructions in the streets, to remove 473

PRIVIES—
Construction in fire limits 203
On streets and alleys, prohibited 191
Distance from line of lot or street 191
Penalty 191
Removing night soil 193

PROSTITUTES—
Soliciting trade 416

PUBLIC PROPERTY, PROTECTION OF—
Injuries to 420
Loafing and congregating around 421
Throwing missiles 422
Disfiguring and defacing 423

QUARANTINE—
In Galveston Bay 204
Anchorage of, established 205
Physician to board vessels 206
Physician may examine persons under oath 206
Vessels not to leave 207
Vessels in, not to be unloaded without permit 208
Masters o vessels to report to quarantine station 209
Vessels to be fumigated 210
Bedding and clothing may be destroyed 211
Penalty for giving false information 212
Penalty for obstructing quarantine physician 213
Penalty for violating regulations 214
Pilots, duties of, in reference to 215
Vessels from infected ports, regulations 215

RAILWAY COMPANIES— ART.
Map of, shall make and file 424
Changes in, how made 425
New lines, grades to be established 426
Shall raise and fill between tracks 427
Roadbed filled and ballasted 428
Curves and intersections 429
Tracks and trestles on piles 430
Forming intersections with other roads 431
Digging sand along track prohibited 432
Paving between tracks, when 433
Costs of paving between tracks 433
Paving, shall keep in repair 434
Cost of repairs 434
City Engineer shall keep supervision over 435
Expenses incurred by City Engineer, how collected 436
Penalties 437
Acceptance of these provisions 438
Rate of fare for street railways 439
Getting on cars prohibited 448
Rate of speed of cars 450
Locomotives, running, regulated 451
Watchmen at crossings 452
Stopping cars on crossings 452
Penalties 452
Regulating running of street railway cars 457
Revocation of right of way 456
Guard wires, to be provided by electric 440, 441
Bumpers must have 443
Cannot be permitted to stand 451
Penalties 452

RECORDER'S COURT—
Proceedings in, how instituted 328
Process, how executed 329
Docket of, how kept 330
Witnesses, how summoned 331
Trial by jury, regulated 332
Suspension of judgment 333
Remission of fines 333
Imprisonment for non-payment of fines 334
Fine, minimum, one dollar 335
Penalty, when not provided for 335
Prisoners to labor, regulating 336
Escape and refusal to work 338
Resentence in certain cases 339
Jury fees, regulating 340
Costs in 340

RECORDER'S COURT—*Continued.* ART.
Chief of Police to collect costs 343
Cost in, what offenses 344
Costs earned by police 346
Arms, unlawful carrying, shall try 383
Scrip, must not be interested in 341

SAND—
Regulations 496

SANITARY REGULATIONS—
Privies, where constructed 191
Privies, keeping offensive punished 192
Privies not to be constructed on street or alley 191
Removing night soil regulated 193
Dead carcasses, carrion, etc. 194
Garbage, removal regulated 194
Owner to remove dead animal 196
Garbage not to be placed in street 197
Boiler manufactories, breweries, etc. 198
Wharves, docks and slips regulated 199
Wharf owners to remove noxious substance 200
Vessels containing stagnant water 200
Owners of vessels, duties of 200
Skinning dead animals, prohibited 202
Privies in fire limits, how constructed 203
Hides and paltries 201

SEASHORES—
Excavation of 509
Penalties 510
Obstructions, causing 511

SEWERAGE—
Connections with, compulsory 586
Injuries to pipes punished 587
Rates and tolls payable, how 588
Connections may be cut off 588
Rates established 590
Costs of connections 590
Connections required 589
Sinks and water-closets prohibited 587

SEXTON, CITY—
Duties of 41
Time and manner of appointment 41
Shall prepare graves 41
Fees of, to be fixed by Committee on Cemeteries 41

SEXTON, CITY—*Continued.* ART.
Shall keep a register 44
Shall enter all burials in register 45
Shall keep register open for inspection 46
Failure to make entries in register sufficient cause for removal . . 46
Shall subscribe oath of office 47
Shall inter all dead bodies 48
Salary of 41
Shall be furnished with physician's certificate of particulars of death 48
Shall be furnished with certificate in cases where body is not to be buried in a city cemetery 49
Subject to a fine for burying body without certificate 50
Shall keep record books of burial lots sold 52
Shall make weekly reports to Health Physician of all interments . 52
Shall return death certificate to Health Officer 52
Shall superintend disinterment of bodies 54
Shall be fined for disinterring body without authority, or failure to inter dead body 57
Shall prepare graves 58
Shall keep cemetery in good condition 58
Shall have control of 58

SICK OR DISEASED PERSONS—
Masters of vessels to report to Health Physician 174
Railroads and public conveyances to report to Health Physician . 175
Keepers of hotels to report sickness to Health Physician 178

SIDEWALKS OR SIDEWALK IMPROVEMENTS—
Width of sidewalks 512
Shall not encumber 512
Molasses and like articles, must not be stored on 512
Galleries and balconies on, prohibited 514
Awnings and sheds, how built 515
Awnings, wooden, in fire limits 515
Weeds, grass and trash on, prohibited 516
Must be kept clean 517
Sweepings, offal, debris 517
To be paved and curbed 518
Pavement below grade to be raised 521
Plank sidewalks to be removed 521
Low and defective, how repaired 522
Penalty 522

SLAUGHTER HOUSES AND YARDS—
Limits within which they may not be established 216
Meats to be deposited in market house 216
Slaughtering animals prohibited within certain limits 216

SLAUGHTER HOUSES AND YARDS—*Continued.* ART.
Offensive trades and occupations prohibited 217
Penalties 218
Recorder to abate nuisances 219

SMOKING—
Pipes, cigars and cigarettes prohibited 266, 267
Enforced by whom 272

SPARK ARRESTORS—
Captains and owners, duties 282
Steam engines, must use 283
Vessels shall keep 284
Protection of hatch combing 285
Smoking prohibited on vessels 286
Regulations of lanterns on vessels 287
Paint vessel, shall not 288
Duty of captain to cover hatching 289
Duty of captain of vessel 290
Penalties 291
Matches, prohibiting on wharf 292

STREETS, ALLEYS AND SIDEWALKS—
Groesbeck survey affirmed 459
Sandusky map confirmed 459
Penalty for altering monuments 461
Extension of streets 471
Encumbering streets and public grounds 471
To remove obstructions 473
Trees and posts in, prohibited 474
Alleys not thoroughfares 475
Grade of alleys 476
Alleys may be closed, when 478
Alleys may be opened, when 478
Building materials on, regulated 479
Drainage, penalty for obstructing 480
Obstructing punished 480
Obstructions, how removed 482
Esplanade, on Broadway 483
Esplanade, shall not drive on 484
Esplanade, animals shall not, etc. 485
Underground drains not to be used 486
Underground drains, no connecting pipes 486
Fire, no vehicle to obstruct in case of 488
Sand, removal prohibited 489
Sand from beach, removal 490
Pelican spit, removal of shell, etc. 490

STREETS, ALLEYS AND SIDEWALKS—*Continued.* ART.
Grade of sidewalks 491
Beach a public avenue 492
Pavement, no removal without permits 497
Swinging signs prohibited 498
Penalty for mutilating trees, etc. 499
Provisions for numbering houses and prescribing penalties. . . . 555–562
Trash and garbage 501, 502
Garbage box or barrel 501
Lewd and indecent pictures 503
Medicine packages, in yards 504
Penalties 505
Tree and shrubbery trimmings 506

TAXES AND TAXATION, CHARTER PROVISIONS— SEC.
Ad valorem 54
Assessor and Collector, duties. 52, 54
Assignment by debtor, taxes 58
Bankrupts, taxes 58, 62
Corporation shares 55
Compromise and reduction 63
Damaged stocks 62
Delinquent taxes 54
Delinquent taxpayers 60
Exemptions, from 53
Interventions for taxes 61
Junk dealers 62
Limitation for general purposes 54
Occupation, limit of 62
Liens for taxes 56
Limitation, not to be pleaded 60
Merchandise, lien 58
Assessment, mode of 54
No demand necessary 59
Occupation and license 52, 54
Pawnbrokers 62
Personal property defined 54
Poll tax 54
Bonds, power to levy limited 67
Real estate defined 54
Railroads, city 66
Seizure and sale 58
Suits for taxes 54, 60
School taxes 64
Tax roll, sufficiency of 57
Transient vendors 62
To pay bonds 67

TAXES AND TAXATION, CHARTER PROVISIONS—*Continued.* SEC.
To pay interest and sinking fund 67
Trust funds 72
Vehicles 51
When due 59

TELEGRAPHS, TELEPHONES AND ELECTRIC LIGHTS— . ART.
Authorized to set poles, etc., along streets, when 563
Poles may be set in alleys, when 564
Poles, kind to be used 565
Poles, shall be painted 565
Poles, shall have iron steps 565
Poles, where placed 565
Companies shall submit route to Committee on Streets and Alleys 566
Work shall be done under the direction of City Engineer 566
Pavement must be restored 566
Location of poles, City Council or Committee on Streets and Alleys may order change in location 567
Companies shall keep on deposit fifty dollars 567
Penalty for not keeping deposit with Treasurer 569
Pole, city may use top arm 570
City may prescribe any mode of conducting wires over or under its thoroughfares 571
Every company shall file acceptance of provision of ordinance . . 567
Poles, unlawful to post bills on 573
Penalty for posting bills 573
Regulating wires 574
Tree and shrubbery trimmings 506

UNDERGROUND DRAINS—
Shall not be used for sewage 486
Connecting pipes to be cut off 487
Health Physician's duties 487

WATERWORKS—
Regulations 575
Obstructing pipes or hydrants 576
Reopening prohibited 577
Assessments for water 578
Water pipes by plumber 579, 580
Water meters, regulating 584
Obstructing fire hydrants 585

WHARVES—
Penalty for fast driving on 163
Not to be extended beyond 164

AN APPENDIX

CONTAINING

SPECIAL ORDINANCES,
CONTRACTS AND OTHER ACTS AFFECTING THE
RIGHTS AND INTERESTS

OF THE

CITY OF GALVESTON.

COMPILED AND PUBLISHED

BY

AUTHORITY OF THE CITY.

PREPARED BY

GEO. P. FINLAY.

APPENDIX.

CHAPTER I.

BONDS TO PURCHASE BLOCK 321.

SECTION 1. That his honor the mayor be and he is hereby directed to propose to the Galveston City Company to purchase block number three hundred and twenty-one on the following terms, to-wit: For the sum of thirty-five thousand dollars, payable in bonds of the city of Galveston, the said bonds to bear interest at the rate of eight per cent. per annum, with interest coupons attached, payable semi- annually, and receivable for all city taxes and other public dues; the principal payable, one-tenth in twenty years from the date thereof, and one-tenth every year thereafter, until the whole is paid.

SEC. 2. That if the said City Company agree to sell said block, on the terms proposed, then the mayor is hereby authorized and empowered to have the said bonds prepared, and to execute and deliver the same upon the execution and delivery of a deed by said company of the block mentioned. The said bonds to be in sums of not less than five hundred dollars ($500) each.

SEC. 3. That said block, if purchased, shall be used as the site of a city hall and other public buildings.

[Approved February 3, 1873.

CHAPTER II.

GALVESTON THIRTY-YEAR LIMITED DEBT BONDS—1876.

SECTION 1. That the mayor of said city and the committee on finance and revenue of said council be and are hereby authorized to have printed or engraved bonds of said city to the amount of eleven hundred and fifty thousand dollars, which shall be styled "Galveston thirty year limited debt bonds," shall be payable thirty years after their issue, to ——— or bearer,

at the office of the treasurer of said city; shall bear interest at the rate of eight per cent. per annum, and have attached semi-annual interest coupons, payable at said office, on the first day of March and the first day of September of each year. The said bonds shall be issued under the seal of said city, in denominations of one hundred, five hundred and one thousand dollars; shall be signed by the mayor and countersigned by the treasurer of said city; shall be numbered consecutively from number one upwards, and shall be registered by the city clerk in a book to be kept especially for that purpose.

SEC. 2. That the city hereby reserves the right to redeem at par the said bonds, or any of them, at any time after ten years from the dates of their respective issues, upon giving notice by advertisement in the official journal of said city for thirty consecutive days (exclusive of the days upon which the journal is not published) that, upon a day therein named it will redeem at par, upon presentation at the office of said treasurer, the bonds described in such advertisement. The said notice shall be signed by said treasurer, and shall give the number, date and amount of each of the bonds so to be redeemed.

The bonds authorized by this ordinance shall be redeemed in the order in which they are issued—that is to say, the bonds bearing the earliest date, or being first issued, shall be first redeemed; and any bond so advertised for, and designated as aforesaid, and not being presented for redemption as aforesaid, on the day named in said notice, shall cease to bear interest from and after such day.

SEC. 3. To provide for the payment of the interest on said bonds, and to create a sinking fund for the redemption and payment of the principal thereof, there is hereby set apart and specially appropriated to that purpose, one-third of one per cent. of the annual general revenues of said city for each and every ten thousand dollars of such bonds issued; and if, at any time, such percentage of said revenues shall be found insufficient to yield for the payment of said interest, and for said sinking fund annually, a sum equal to ten per cent. of the bonds issued, it shall then be the duty of said board

to set apart and appropriate such additional percentage of said revenues as shall be sufficient to supply such deficiency. It shall be the duty of said treasurer to deduct from all moneys received by him on account of said general revenues, at the time he receives the same, the percentage so set apart by said council to provide for said interest and sinking fund, as aforesaid; and of the moneys so deducted, said treasurer shall place eight-tenths to the credit of the interest fund, and two-tenths to the credit of the sinking fund of said bonds; provided, however, that whenever there shall have been deducted from said revenues of any one fiscal year, and placed to the credit of the said interest fund, an amount equal to eight per cent. of the bonds issued, and to the credit of the said sinking fund an amount equal to two per cent. of such bonds, then said treasurer shall make no further deductions from said revenues for that year. The said council shall annually cause the said sinking funds, and all accretions thereof, to be invested in bonds of said city, in bonds of the state of Texas, or in bonds of the United States, as they may, from time to time, determine.

SEC. 4. The said interest fund and the said sinking fund are hereby made special funds for special purposes, and shall be disbursable only for the purposes for which they are respectively created, and any officer of said city misapplying said funds shall be punished as prescribed in the thirty-first section of the charter of said city.

SEC. 5. The mayor of said city and said committee are hereby empowered to negotiate, exchange and sell the bonds authorized to be issued by this ordinance; provided, however, that none of the said bonds shall be issued at less than par, or be issued for any other purposes than those prescribed by the one hundred and thirty-first section of said chapter.

[Approved September 19, 1876.

CHAPTER III.

GALVESTON FORTY-YEAR LIMITED DEBT BONDS—1881.

SECTION 1. That the mayor of said city and the committee on finance and revenue of said council be and are hereby authorized to have printed and engraved bonds of said city

to the amount of one million and three hundred thousand dollars, which shall be styled "Galveston forty years limited debt bonds;" shall be payable forty years after their issue to ——— or bearer at the office of the treasurer of said city; shall bear interest at the rate of five per cent. per annum, and have attached semi-annual interest coupons, payable in the city of New York at —— —— or at the office of the city treasurer, at the option of the holder or holders of said bonds, on the first day of June and the first day of December of each year. The said bonds shall be issued under the seal of said city in denominations of one hundred dollars or multiples thereof; shall be signed by the mayor and countersigned by the treasurer of said city; shall be numbered consecutively from number one upwards and shall be registered by the city clerk in a book to be kept specially for that purpose.

SEC. 2. The said city hereby reserves the right to redeem at par the said bonds, or any of them, at any time after ten years from the dates of their respective issues, upon giving notice by advertisement in the official journal of said city for thirty consecutive days (exclusive of the days upon which the journal is not published), that upon a day to be therein named, it will redeem at par, upon presentation at the office of said treasurer, the bonds described in such advertisement. The said notice shall be signed by said treasurer, and shall give the number, date and amount of each bond so to be redeemed. The bonds authorized by this ordinance shall be redeemed in the order in which they were issued—that is to say, the bonds bearing the earliest date, or being first issued, shall be first redeemed; and any bond so advertised for and designated as aforesaid, and not being presented for redemption as aforesaid, upon the day named in said notice, shall cease to bear interest from and after such day.

SEC. 3. To provide for the payment of interest on said bonds and to create a sinking fund for the redemption of same and payment of the principal thereof, there is hereby levied and set apart and specially appropriated an annual ad valorem tax on all property, real, personal and mixed, within the said city of Galveston, not exempt from taxation by the

Constitution and laws of the State, of and at the rate of one-third of one cent on the one hundred dollars valuation of said property for each and every ten thousand dollars of such bonds issued; such tax to be assessed and collected annually, until the principal and interest of said bonds are fully paid up and discharged, and if at any time such tax shall be found insufficient to yield for the payment of said interest and for said sinking fund, annually, a sum equal to seven per cent. of all said bonds issued, it shall be the duty of said council to set apart and appropriate such additional amount and sum of the annual general revenue and from all other sources of revenue of said city, as may be necessary and sufficient to supply such deficiency. And to further provide for and secure the payment of said interest and to create a sinking fund for the redemption of said bonds when due or before maturity, when redeemable, there is hereby set apart and appropriated, as a special fund, to be used for no other purpose whatsoever, the income and dividends of the city from its six thousand, two hundred and twenty-two shares of stock in the Galveston Wharf Company, and the income and dividends of said city from its six hundred and ninety-three shares of stock in the Galveston City Railroad Company, as the same shall accrue until the principal and interest of said bonds is fully paid up and discharged

SEC. 4. It shall be the duty of the city treasurer to place all moneys collected and received from the ad valorem tax and general revenue mentioned in the foregoing section to the credit of the interest and sinking funds of said bonds, and shall divide said revenue between the said interest and sinking funds, as follows,to-wit: Five-sevenths of said revenue to the credit of the interest fund, and two-sevenths thereof to the credit of the sinking fund; and, further, of the income of said city from its six thousand, two hundred and twenty-two shares of stock in the Galveston Wharf Company, and from its six hundred and ninety-three shares of stock in the Galveston City Railroad Company, the said treasurer shall place such sum as may be necessary to pay any balance of said interest falling due during the year, in

case five-sevenths of the amount realized from said tax and general revenue shall not be sufficient during any one year to pay said interest, to the credit of the said interest fund, and the balance of said income of said city from said wharf company's stock and said city railroad company's stock to the credit of the sinking fund of said bonds; and if at any time there shall be any surplus in the said interest fund after provision is made for the payment of interest for the next six months thereafter, then this surplus shall be placed to the credit of said sinking fund.

SEC. 5. The said council shall cause the said sinkng fund, and all accretions thereof, to be invested in the bonds hereby authorized to be issued, in bonds of the State of Texas, or in bonds of the United States, as they may from time to time determine, upon the accumulation of each two thousand dollars of said fund.

SEC. 6. The said interest fund and said sinking fund are hereby made special funds for special purposes, and shall be disbursable only for the purposes for which they are respectively created; and any officer of said city, misapplying said funds, shall be punished as prescribed in the thirty-first section of the charter of the city.

SEC. 7. The mayor of said city and said committee on finance and revenue of said council are hereby empowered to negotiate, exchange and sell the bonds authorized to be issued by this ordinance; provided, however, that none of said bonds shall be issued at less than par, or be used for any other purposes than those prescribed by the one hundred and thirty-first section of said charter, as amended April 5, 1881.

SEC. 8. That the treasurer of said city shall, during the months of May and November of each year, not later than the 20th of each month, transmit all moneys in said interest fund to such national or other bank, as may be selected by said council, as provided for by section one of this ordinance, for the purpose of paying the interest on said bonds in the city of New York, and in such manner as the mayor and committee on finance and revenue may direct.

SEC. 9. That the city council are authorized and empowered, should they consider it best for the interest of the city, to allow a commission not exceeding five per cent. to a financial agent for the negotiation and sale of any of said bonds.

[Approved June 23, 1881

CHAPTER IV.

GALVESTON WATER WORKS, STREET IMPROVEMENT AND CITY HALL BONDS.

SEC. 1. That the mayor of said city and the committee on finance and revenue of said city council be and they are hereby authorized to have printed and engraved bonds of said city to the amount of seven hundred thousand dollars, which shall be styled "Galveston Waterworks, Street Improvement and City Hall Bonds," under and by virtue of section 132a of the charter of the city of Galveston, as enacted by the legislature of the State of Texas and approved by the governor of the State, March 29, 1887. Said bonds shall be payable forty years after their issue, to ——— or bearer, at the office of the treasurer of said city; shall bear interest at the rate of five per cent. per annum, and have attached thereto semi-annual coupons, payable in the city of New York, or at the office of the city treasurer of said city, at the option of the holder or holders of said bonds, on the first day of January and the first day of July of each year. The said bonds shall be issued under the seal of said city in denominations of one hundred dollars, or multiples thereof; shall be signed by the mayor and countersigned by the treasurer of said city; shall be numbered consecutively from number one upwards, as issued; and shall be registered by the city clerk in a book to be kept specially for that purpose.

SEC. 2. The said city hereby reserves the right to redeem at par the said bonds, or any of them, at any time after twenty years from the dates of their respective issues, upon giving notice by advertisement in the official paper of said city, or in any daily paper published in said city, for thirty consecutive days (exclusive of the days upon which the paper is not published), and upon a day to be

therein named, it will redeem at par, upon presentation at the office of said treasurer, the bonds described in such advertisement. The said notice shall be signed by said treasurer, and shall give the number, date and amount of each bond so to be redeemed. The bonds authorized by this ordinance shall be redeemed in the order in which they were issued—that is to say, the bonds bearing the earliest date, or being first issued, shall be first redeemed; and any bond so advertised for and designated as aforesaid, and not being presented for redemption upon the day named in said notice, shall cease to bear interest from and after such day.

SEC. 3. To provide for the payment of interest on said bonds, and to create a sinking fund for the redemption of same, there is hereby levied, set apart and specially appropriated an annual ad valorem tax on all property, real, personal and mixed, within said city of Galveston, not exempt from taxation by the Constitution and laws of the State, of and at the rate of one-third of one per cent. on the one hundred dollars valuation of said property, for each and every ten thousand dollars of such bonds issued, such tax to be assessed and collected annually, until the principal and interest of said bonds are fully paid up and discharged; and if at any time such tax shall be found insufficient to yield for the payment of said interest and sinking fund, annually, a sum equal to seven per cent. of all bonds issued, it shall be the duty of said city council to set apart and appropriate such additional amount and sum of the general revenues as may be necessary and sufficient to supply such deficiency.

SEC. 4. It shall be the duty of the city treasurer to place all moneys collected and received from the ad valorem tax and general revenue, mentioned in the foregoing section, to the credit of the interest and sinking fund of said bonds, and shall divide said revenue between said interest and sinking fund as follows, to-wit: Five-sevenths of said revenue to the credit of the interest fund, and two-sevenths thereof to the credit of the sinking fund.

SEC. 5. The said city council shall cause the said sinking fund, and all accretions thereof, to be invested in the bonds hereby authorized to be issued, in Galveston city bonds, in

bonds of the State of Texas, or in bonds of the United States, as they may from time to time determine, upon the accumulation of each two thousand dollars of said fund.

SEC. 6. The said interest and sinking fund are hereby made special funds for the special purposes herein named, and shall be disbursable only for the purposes for which they are respectively created; and any officer of said city, misapplying said funds, shall be punished as prescribed in the thirty-first section of the charter of the city.

SEC. 7. The mayor of said city and said committee on finance and revenue of said city council are hereby empowered to negotiate and sell the bonds authorized by this ordinance; provided, however, that none of said bonds shall be issued at less than par, nor the proceeds of the same be used for any other purpose than those prescribed by section 132a of the city charter as amended and approved March 29, 1887.

SEC. 8. That the treasurer of said city shall, during the months of June and December of each year, not later than the 20th of each of such months, transmit a sufficiency of money in said interest fund to such national or other bank or trust company as may be selected by said city council for the purpose of paying the interest on such of said bonds in the city of New York, as the holders thereof may desire, and in such manner as the mayor and committee on finance and revenue may direct.

SEC. 9. That it shall be the duty of the city clerk to note upon the face of each bond, as well as on the registry of same, the purpose for which said bonds were issued, to-wit: "For Waterworks," "For Street Improvement," or "For City Hall," as the case may be.

[Approved October 4, 1887.

CHAPTER V.

GALVESTON FORTY-YEAR LIMITED DEBT BONDS OF 1891.

SECTION 1. That the mayor of said city and the committee on finance and revenue of said city council be and they are hereby authorized, empowered and instructed to have engraved and printed bonds of the city of Galveston

to the amount of $1,240,000, under and by virtue of section 132c of the charter of the said city of Galveston, as amended and passed by the twenty-second legislature of the State of Texas, at its regular session, in the year 1891, which bonds shall be styled city of Galveston 5 per cent. 40-years limited debt bonds, of 1891. Said bonds shall be payable, forty years after the date of their issue, to bearer, at any place or places in the city of New York that may be designated by said city council, or at the office of the treasurer of the said city of Galveston, in the city of Galveston, at the option of the holder or holders of said bonds; shall bear interest at the rate of 5 per cent. per annum, and shall have attached thereto semi-annual coupons, payable in the city of New York or in the city of Galveston, as aforesaid, at the option of the holder or holders thereof, on the first day of January and the first day of July of each year; shall be issued under the seal of said city of Galveston, in denominations of $100 or multiples thereof; shall be signed by the mayor and countersigned by the city clerk and treasurer of said city; shall be numbered consecutively from one upwards as issued, and shall be registered by the city clerk of said city of Galveston and by the comptroller of the State of Texas, in books to be kept by said officers respectively for that purpose.

SEC. 2. The proceeds of the bonds, the issuance and sale of which are provided for in this ordinance, shall be used and expended as follows:

Two hundred thousand dollars shall be used in defraying the city's portion of the cost of filling, grading and paving its streets; provided, that not more than $100,000 shall be expended on such work in any one year from this fund, or from the proceeds of the issue of bonds authorized by this ordinance.

Forty thousand dollars shall be used and expended for filling streets and such property as the city may own, and which the city council may designate to be filled or raised; the expenditures out of this fund not to exceed in any one year $20,000.

Fifty thousand dollars shall be employed and expended in the erection of public school houses in said city, under the direction and upon the requisition of its board of school trustees.

Fifty thousand dollars shall be and constitute a special fund to be used and expended by the city council in abating nuisances on private property and for filling, grading and paving or otherwise improving alleys or sidewalks in said city, in all cases where the parties chargeable with the abatement of such nuisance or with such filling, grading and paving or other improvements shall fail or refuse to abate the one or perform the other, and any expenditure from this fund shall be a lien and recoverable by assessment on the property in respect of and concerning which they shall be made, and when so recovered they shall be and remain a portion of such special fund.

Nine hundred thousand dollars shall be employed and expended by the city council for and in the procurement of an adequate supply of fresh water for said city, and in and for the erection of an efficient system of sewerage and drainage, including crematories for garbage, if found desirable, and for the city's share of the cost of filling, grading and paving its streets, under the following provisions: The city council shall, on or before January 1, 1892, apportion said $900,000 as follows:

First. So much of said sum as to said council may appear necessary, shall be set aside for the procurement of said water supply to be owned by the city or furnished under contracts that may be entered into by the city with responsible parties.

Second. So much of the remainder of said sum, if any, as to the city council may seem necessary, shall be set aside for sewerage and drainage purposes aforesaid; and, thirdly, the residue, if any, after a water supply and system of sewerage and drainage shall have been provided for as above contemplated, shall be set aside to defray the city's share of the cost of filling, grading and paving its streets, when the special fund of $200,000 aforesaid shall have been expended.

SEC. 3. The city of Galveston hereby reserves the right to redeem at par the said bonds, or any of them, at any time after twenty years from the date of their respective issues, upon giving notice by advertisement in the official paper of said city of Galveston, or in any daily paper published in said city, and in some daily paper published in the city of New York, for thirty consecutive days (exclusive of the days upon which the paper is not published), that upon a day to be therein named, the said city will redeem at par, upon presentation at such place in the city of New York, to be therein named, as may have been designated by the said city council, or at the office of the treasurer of the city of Galveston, in the said city of Galveston, the bonds described in such advertisement. The said notice shall be signed by said treasurer, and shall give the number, date and amount of each bond to be so redeemed. The bonds authorized by this ordinance shall be redeemed in the order in which they were issud; that is to say, those bearing the earliest date, or being the first issued, shall be first redeemed; and any bond so advertised for and designated as aforesaid, and not presented for redemption upon the date named in said notice, shall cease to bear interest from and after such day.

SEC. 4. To provide for the payment of interest of said bonds and to create a sinking fund for their redemption, there is hereby levied, set apart and specially appropriated an annual ad valorem tax on all property, real, personal and mixed, within the said city of Galveston, not exempt from taxation by the Constitution and laws of the State, of thirty-one one-hundredths of one cent on every $100 valuation of said property, for each and every $10,000 of such bonds as may be issued; such tax, or as much thereof as may be necessary for said purposes, to be assessed and collected annually, commencing with the year 1892, until the principal and interest of said bonds are fully paid and discharged; and if at any time such tax shall be found not to yield, for the payment of said interest and for said sinking fund, annually, a sum equal to seven per cent. of all bonds then issued, it shall be the duty of said city council to set apart and appropriate such additional amount out of the general revenue

as may be necessary or sufficient to supply such deficiency; provided, however, that the fund sufficient to pay the interest upon and to create a sinking fund necessary to meet the bonds appropriated under section 132c of the charter for the erection of public school houses, shall be annually reserved out of the taxes levied and collected for school purposes until the fund thus reserved shall be sufficient to pay and discharge the principal and interest of such bonds.

SEC. 5. It shall be the duty of the city treasurer to place all moneys collected and received from the ad valorem tax, the school tax and the general revenue mentioned in the foregoing section, to the credit of the interest and the sinking fund of said bonds, and shall divide said revenue between said interest and said sinking fund, as follows: Five-sevenths of said revenue shall be set apart to the credit of the interest fund, and two-sevenths to credit of the sinking fund.

SEC. 6. The said city council shall cause the said sinking fund, and all accretions thereof, to be invested in the bonds hereby authorized to be issued, in other Galveston city bonds, in bonds of the State of Texas, or in bonds of the United States, as they may, from time to time, determine, upon the accumulation of each $2,000 of said fund.

SEC. 7. The said interest and the sinking fund are hereby made special funds for the special purposes herein named, and shall be disbursable only for the purposes for which they are respectively created; and any officer of said city misapplying said funds shall be punished as prescribed in section 31 of the charter of the city; which section provides that any officer of the city who misapplies any special fund shall be deemed guilty of malfeasance in office, and shall, on complaint of any person interested in the special fund so misapplied, and on conviction thereof, be removed and be incapable thereafter of holding office under said city, and shall, on conviction before any court of competent authority, be fined in a sum not exceeding $5,000, and be imprisoned not exceeding six months.

SEC. 8. The mayor of the said city of Galveston and the committee on finance and revenue of said city council are hereby named and designated as the parties to negotiate

and to make sales of the bonds authorized by this ordinance to be issued, in such amounts as the said city council may by resolution from time to time authorize and direct; provided, however, that none of said bonds shall be sold at less than par, nor the proceeds of the same be used for any other purposes than those prescribed by section 132c of the city charter as amended and passed by the twenty-second legislature at its regular session in 1891, and by section 2 of this ordinance.

SEC. 9. The treasurer of the city of Galveston shall, during the months of June and December of each year, and not later than the 20th day of each of said months, transmit a sufficiency of money out of said interest fund to such national or other bank, or to such trust company in the city of New York, as may be selected or designated by said city council, for the purpose of paying the interest on such of said bonds in the said city of New York as the holders may desire to be there paid; and in such manner as the mayor and the committee on finance and revenue may direct.

CHAPTER VI.

GENERAL INDEBTEDNESS FUNDING BONDS OF 1895.

SECTION 1. That the mayor and the committee on finance and revenue of the city council of this city be and they are hereby authorized and instructed to have engraved bonds of the city of Galveston to the amount of two hundred thousand dollars ($200,000), which shall be styled "General Indebtedness Funding Bonds of 1895 of the city of Galveston." These bonds are issued under and by authority of section 132d of the charter of this city. Said bonds shall be payable twenty years after their date of issuance at the office of the treasurer of this city, or, at the option of the holder thereof, at the fiscal agency of the city of Galveston in the city and state of New York, shall bear interest at the rate of five per cent. per annum, payable semi-annually, and shall have attached forty coupons, each of which shall be for twenty-five dollars, and shall represent the interest due for six months on the bond to which it is attached. Said

coupons shall be payable at the office of the treasurer of this city, or, at the option of the holder thereof, at the fiscal agency of the city of Galveston in the city and state of New York. They shall be issued under the seal of the city, signed by the mayor and countersigned by the city clerk. Each bond shall be of the denomination of one-thousand dollars, and the bonds shall be numbered consecutively from one to two hundred, inclusive; they shall be sold for cash, and at not less than par; they shall be registered by the city clerk in a bond registered to be kept for that purpose, and it shall be the duty of the mayor, as soon as they shall have been engraved and a contract made for their sale, to forward them to the city of Austin for registration by the comptroller of this state, as required by the general law.

SEC. 2. The city, however, hereby specially reserves the right to redeem any or all of said bonds at any time or times, from and after ten years from their date of issue, upon first giving notice of its purpose and intent so to redeem in a daily newspaper published in the city of Galveston, and in a daily newspaper published in the city of New York, for thirty consecutive days, in which notice it shall be declared that upon a day therein named it will redeem at par, upon presentation at the office of its treasurer, or, at the option of the holder thereof, at the fiscal agency of the city of Galveston in the city and state of New York, the bonds described in such advertisement. Said notice shall be signed by the mayor and treasurer of the city, and shall specify the number of the bond or bonds to be redeemed. In case of any redemption before the bonds shall mature, then the bonds shall be redeemed in the order of their issue; that is to say, bond number one shall be redeemed before bond number two, and so on; any bond so called and advertised for redemption as hereinbefore provided, and not presented for redemption on the day and date so designated for payment, shall cease to bear interest from and after such date.

SEC. 3. To provide for the payment of interest on said bonds, and to create a sinking fund for the redemption of the same, there is hereby levied and set apart, and specially appropriated, an annual ad valorem tax on all property, real,

personal and mixed, within the city of Galveston, and not exempt from taxation by the constitution and laws of the State of Texas, of, and at the rate of, 8 cents on the hundred dollars on all of said property; and there is hereby appropriated and set apart sixty-six and two-thirds (66 2-3) per cent of all such taxes past due, January 1st, 1894, and now unpaid, to create a fund for the redemption of said bonds, and said fund is hereby declared a special fund, to be held and applied only to the payment of said bonds until all of them are paid.

SEC. 4. Said interest and sinking fund, as well as the proportion of delinquent or back taxes hereinbefore set aside and appropriated, are hereby declared and created special funds; and they shall be disbursable only for the purposes herein stated; and any officer of the city misapplying or using said funds otherwise than as herein provided shall be punished as prescribed in the thirty-first section of the charter of this city.

SEC. 5. The mayor and committee on finance and revenue of the city council are hereby empowered to sell said bonds; provided, however, that none of said bonds shall be sold for less than par or except for cash.

[Approved November 12, 1895.

CHAPTER VII.

FORTY-YEAR WATER WORKS BONDS OF 1896.

SECTION 1. That the mayor of said city and the committee on finance and revenue of the city council of this city, be, and they are, hereby authorized and instructed to have printed and engraved, bonds of the city of Galveston, to the amount of one hundred thousand dollars ($100,000), which shall be styled "Forty Year Water Works Bonds of 1896 of the City of Galveston." These bonds are issued under and by authority of section 132d of the charter of the city of Galveston, as enacted by the Twenty-fourth legislature of the State of Texas, at its regular session, in April, 1895. Said bonds shall be payable forty years after the respective dates of their issuance, to bearer at the office of the treasurer of this city, or at the option of the holder thereof, at the fiscal

agency of the city of Galveston, in the city and State of New York, and shall bear interest at the rate of five (5) per centum per annum, payable semi-annually; and shall have attached thereto eighty coupons, each of which shall represent the interest due for six months on the bond to which it is attached. Said coupons shall be payable at the office of the treasurer of this city, or, at the option of the holder thereof, at the fiscal agency of the city of Galveston, in the city and State of New York. Said bonds shall be issued under the seal of the city, signed by the mayor and countersigned by the city clerk. Each bond shall be for the sum of one thousand dollars ($1,000); and the bonds shall be numbered consecutively from "1" to "100" inclusive; they shall be sold as needed, for cash, and at not less than par. They shall be registered by the city clerk in a bond registry book kept for that purpose, and it shall be the duty of the mayor as soon as they shall have been engraved and a contract made for their sale, or for the sale of such portion of them as may be needed, to forward them to the city of Austin for registration by the comptroller of this state, as required by the registration law.

SEC. 2. The city, however, hereby specially reserves the right to redeem at par, any or all of said bonds, at any time or times, from and after twenty years from the dates of their respective issuance—upon first giving notice of its purpose and intent to so redeem in a daily newspaper published in the city of Galveston and a daily newspaper published in the city of New York, for thirty consecutive days. In which notices it shall be stipulated, that upon a day therein named, it will redeem at par upon presentation, at the office of its treasurer, or, at the option of the holder thereof, at the fiscal agency of the city of Galveston, in the city and state of New York, the bonds described in such advertisement. Said notices shall be signed by the mayor and the clerk of the city, and shall specify the number of the bond or bonds, to be redeemed. In case of any redemption before the bonds shall mature, then the bonds shall be redeemed in the order of their issuance; that is to say, bond No. 1 shall be redeemed before No. 2, and so on. Any bond

so called and advertised for redemption as hereinbefore provided, and not presented for redemption on the day and date so designated for payment, shall cease to bear interest from and after such date.

SEC. 3. To provide for payment of interest on said bonds, and to create a sinking fund for the redemption of same, there is hereby levied and set apart and specially appropropriated an ad valorem tax on all property, real, personal and mixed within the said city of Galveston, not exempt from taxation by the constitution and laws of the State of Texas—of and at the rate of three and six-tenths (3 6-10) cents on the one hundred dollars valuation of all of said property; such tax to be assessed and collected annually, until the principal and interest of said bonds are fully paid up and discharged.

SEC. 4. Said interest and sinking fund hereinbefore set aside and appropriated, are hereby declared special funds; and they shall be disbursable only for the purposes herein stated. And any officer of the city misapplying or using said funds otherwise than as herein provided, shall be punished as described in the 31st section of the charter of this city.

SEC. 5. The mayor of said city and committee on finance and revenue of said city council are hereby empowered to negotiate and sell said bonds, as and when needed; provided, however, that none of said bonds shall be sold for less than par, or except for cash. And provided that the proceeds of the sale of said bonds shall not be used for any other purposes than those prescribed by said section 132d of the charter of this city, as amended by the Twenty-fourth legislature in April, 1895.

Passed under suspension of the rules at a called meeting of the city council held March 7, 1896.

[Approved March 8, 1896.

CHAPTER VIII.

PUBLIC SCHOOL HOUSE BONDS.

SECTION 1. The mayor of said city and the committee on finance and revenue of the city council of said city be, and

they are hereby authorized and instructed to have printed and engraved bonds of the City of Galveston to the amount of fifty thousand dollars ($50,000), which shall be styled "Public School House Bonds" of the City of Galveston. These bonds are issued under and by authority of section 132d of the charter of the City of Galveston as enacted and amended by the Twenty-fourth legislature of the State of Texas at its regular session in April, 1895; said bonds shall be payable forty years after the respective dates of their issuance to bearer, at the office of the treasurer of this city, or, at the option of the holder thereof, at the fiscal agency of the City of Galveston in the City and State of New York, and shall bear interest at the rate of five (5) per centum per annum, payable semi-annually, and shall have attached thereto eighty coupons, each of which shall represent the interest on the bond to which it is attached; said bonds shall be payable at the office of the treasurer of this city, or, at the option of the holder thereof, at the fiscal agency of the City of Galveston in said City and State of New York. Said bonds shall be issued under the seal of the city, to be signed by the mayor and countersigned by the city clerk. Each bond shall be of the denomination of one thousand dollars ($1,000), or some multiple thereof, and the bonds shall be numbered consecutively from one (1) to fifty (50) inclusive; they shall be registered by the city clerk in a bond register book kept for that purpose, and it shall be the duty of the mayor, as soon as they shall have been engraved and a contract made for their sale or for the sale of such of them as may be needed, to forward them to the City of Austin for registration by the comptroller of the State of Texas, as required by the registration law.

SEC. 2. The city, however, hereby especially reserves the right to redeem, at par, any or all of said bonds, at any time or times, from and after twenty years from the dates of their respective issuance—upon first giving notice of its purpose and intent to so redeem in a daily newspaper published in the City of Galveston, and a daily newspaper published in the City of New York, for thirty consecutive days; in which said notices it shall be stipulated that, upon a day

therein named, said city will redeem, at par, upon presentation at the office of its treasurer, or, at the option of the holder thereof, at the fiscal agency of the City of Galveston in the City and State of New York, the bonds described in such advertisement. Said notices shall be signed by the mayor and clerk of said city, and shall specify the number of the bond or bonds to be redeemed. In case of any redemption before the bonds shall mature, then the bonds shall be redeemed in the order of their issuance—that is to say, bond numbered one shall be redeemed before bond numbered two, and so on. Any bond so called and advertised for redemption as hereinbefore provided, and not presented for redemption on the day and date so designated for payment, shall cease to bear interest from and after such date.

SEC. 3. To provide for the payment of interest on said bonds and to create a sinking fund for the redemption of the same, there is hereby levied and set apart and specially appropriated an annual ad valorem tax on all property, real, personal and mixed, within the said City of Galveston, and not exempt from taxation under the Constitution and laws of the State of Texas, of and at the rate of one and two-thirds cents (1 2-3c) on the one hundred dollars valuation of all of said property. Said tax to be assessed and collected annually until the principal and interest of said bonds are fully paid up and discharged.

SEC. 4. The interest and sinking fund hereby set aside and appropriated are hereby declared a special fund, and shall be disbursable only for the purposes herein stated; and any officer of the City of Galveston misappropriating or using said funds other than as herein provided, shall be punished as prescribed in section 31 of the charter of the City of Galveston.

SEC. 5. The mayor of the city and the committee on finance and revenue of the city council are hereby empowered to negotiate and sell said bonds as and when needed; provided, however, that none of said bonds shall be sold for less than par or except for cash; and provided further, that the proceeds of the sale of said bonds shall not be used for any other purposes than those prescribed by said section 132d of the

charter of this city, as amended by the Twenty-fourth legislature of the State of Texas in April, 1895; and provided further, that the proceeds of said bonds shall only be used and expended for the erection and improvement of the public school houses of said city, under the direction and upon the requisition of its Board of School Trustees.

SEC. 6. That this ordinance shall take effect and be in operation from and after the date of its passage.

Passed under a suspension of the rules at an adjourned regular meeting of the city council held June 8, 1897.

CHAPTER IX.

GENERAL INDEBTEDNESS FUNDING BONDS OF 1897.

SECTION 1. That the mayor of said City and the committee on Finance and Revenue of the City Council of said City be, and they are, hereby authorized and instructed to have printed and engraved bonds of the City of Galveston to the amount of two hundred thousand dollars ($200,000.00), which shall be styled "General Indebtedness Funding Bonds of 1897 of the City of Galveston." These bonds are issued under and by authority of section 132d of the Charter of the City of Galveston, as enacted and amended by the 25th legislature of the State of Texas, at its regular session on May 19, 1897. Said bonds shall be payable forty (40) years after the respective dates of their issuance to bearer at the office of the Treasurer of this City, or, at the option of the holder thereof, at the fiscal agency of the City of Galveston in the City and State of New York; shall bear interest at the rate of five per centum per annum, payable semi-annually, and shall have attached thereto eighty (80) coupons, each of which shall represent the interest due for six months on the bond to which it is attached. Said coupons shall be payable at the office of the Treasurer of this City, or, at the option of the holder thereof, at the fiscal agency of the City of Galveston, in said City and State of New York. Said bonds shall be issued under the seal of the City, be signed by the Mayor and countersigned by the City Clerk. Each bond shall be of such denomination as the Mayor may deem proper;

and the bonds to be numbered consecutively from one to two hundred, inclusive. They shall be registered by the City Clerk in a Bond Register Book kept for that purpose, and it shall be the duty of the Mayor, as soon as they shall have been engraved and a contract made for their sale, or for the sale of such portion of them as may be needed, to forward them to the City of Austin for registration by the Comptroller of this State as required by the registration laws.

SEC. 2. The City, however, specially reserves the right to redeem at par any or all of said bonds, at any time or times, from and after twenty years from the dates of their respective issuance, upon first giving notice of its purpose and intent to so redeem in a daily newspaper published in the City of Galveston, and a daily newspaper published in the City of New York, for thirty (30) consecutive days; in which notices it shall be stipulated that upon a day therein named the said City will redeem at par, upon presentation at the office of its Treasurer, or, at the option of the holder thereof, at the fiscal agency of the City of Galveston in the City and State of New York, the bonds described in such advertisement. Said notice shall be signed by the Mayor and Clerk of said City, and shall specify the numbers of the bond or bonds to be redeemed. In case of any redemption before the bonds shall mature, then the bonds shall be redeemed in the order of their issuance—that is to say, bond numbered one (1) shall be redeemed before bond numbered (2), and so on. Any bond so called and advertised for redemption as hereinbefore provided, and not presented for redemption on the day and date so designated for payment, shall cease to bear interest from and after such date.

SEC. 3. To provide for the payment of the interest on said bonds, and to create a sinking fund for the redemption of the same, there is hereby levied and set apart and specially appropriated an annual ad valorem tax on all property—real, personal and mixed—within the said City of Galveston, and not exempt from taxation under the Constitution and laws of the State of Texas, of and at the rate of six and two-thirds cents on the one hundred dollars valuation of all of said property. Such tax to be assessed and collected annually, until

the principal and interest of said bonds are fully paid up and discharged.

SEC. 4. Said interest and sinking fund hereinbefore set aside and appropriated are hereby declared and created a special fund, and they shall be disbursable only for the purposes herein stated, and any officer of the City misappropriating or using said funds otherwise than as herein provided shall be punished as prescribed in section 31 of the Charter of this City.

SEC. 5. The mayor of said City and the Committee on Finance and Revenue of said City Council are hereby empowered to negotiate and sell said bonds as and when needed, provided, however, none of said bonds shall be sold for less than par or except for cash; and provided further, that the net proceeds of the sale of said bonds shall not be used for any other purposes than those prescribed by section 132d of the Charter of this City, as amended by the 25th legislature of the State of Texas on May 19, 1897.

SEC. 6. That this ordinance shall take effect and be in operation from and after the date of its passage.

Passed under a suspension of the rules at regular meeting of the City Council held September 7, 1897.

[Approved September 8, 1897.

CHAPTER X.

SEWERAGE BONDS OF THE CITY OF GALVESTON.

SECTION 1. That the mayor of said City and the committee on Finance and Revenue of the City Council of said City be, and they are, hereby authorized and instructed to have printed and engraved bonds of the City of Galveston to the amount of three hundred thousand ($300,000.00) dollars, which shall be styled "Sewerage Bonds of the City of Galveston." These bonds are issued under and by authority of section 132d of the Charter of the City of Galveston, as enacted by the 25th Legislature of the State of Texas, at its regular session on May 19, 1897. Said bonds shall be payable forty years after the respective dates of their issuance, to bearer, at the office of the Treasurer of the said City of Galveston, or, at the option of the holder thereof, at the fiscal agency of the City of Gal-

veston in the City and State of New York; shall bear interest at the rate of five per centum per annum, payable semi-annually, and shall have attached thereto eighty coupons, each of which shall represent the interest due for six months on the bond to which it is attached; said coupons shall be payable at the office of the Treasurer of said City, or, at the option of the holder thereof, at the fiscal agency of the City of Galveston in the City and State of New York. Said bonds shall be issued under the seal of the City, signed by the Mayor and countersigned by the City Clerk. Each bond shall be for the sum of one thousand ($1,000.00) dollars, and the bonds shall be numbered consecutively from one to three hundred, inclusive. They shall be sold as needed—for cash and at not less than par. They shall be registered by the City Clerk in a bond registry book kept for that purpose and it shall be the duty of the Mayor, as soon as said bonds shall have been issued, and before such bonds are offered for sale, or before the sale of said portion of them as may be needed, to forward the same to the Comptroller of the State of Texas, for registration by the Comptroller of said State, after approval by the Attorney General, as required by the registration law of the State of Texas.

SEC. 2. The City, however, specially reserves the right to redeem at par any or all of said bonds at any time or times from and after twenty years from the dates of their respective issuance, upon first giving notices of its purpose and intent to so redeem in a daily newspaper published in the City of Galveston, and a daily newspaper published in the City of New York, for thirty consecutive days, in which notices it shall be stipulated that upon a day therein named it will redeem at par, upon presentation at the office of its Treasurer, or, at the option of the holder thereof, at the fiscal agency of the City of Galveston in the City and State of New York, the bonds described in such advertisement. Said notices shall be signed by the Treasurer of the City and shall specify the number of the bond or bonds to be redeemed. In case of no redemption before the bonds shall mature, then the bonds shall be redeemed in the order of their issuance —that is to say, bond number one shall be redeemed before

bond number two, and so on. Any bond so called and advertised for redemption, as hereinbefore provided, and not presented for redemption on the day and date so designated for payment, shall cease to bear interest from and after such date.

SEC. 3. To provide for the payment of interest on said bonds, and to create a sinking fund of two and one-half per cent for the redemption of the same, there is hereby levied and set apart and specially appropriated, an annual ad valorem tax on all property—real, personal and mixed—within the said City of Galveston, not exempt from taxation by the Constitution and laws of the State of Texas, of and at the rate of ten cents on the one hundred dollars valuation of all of said property, and such tax, or so much thereof as may be necessary, shall be assessed and collected annually, until the principal and interest of said bonds are fully paid up and discharged.

SEC. 4. Said interest and said sinking fund hereinbefore set aside and appropriated, are hereby declared special funds for the special purpose herein named, and they shall be disbursable only for the purposes herein stated; provided, however that the said sinking fund of said sewerage bonds may, from time to time, as the said City Council may direct, be invested in bonds of this series or in other bonds of the said City yielding the best interest, and any officer of the City misapplying or using said funds otherwise than herein provided, shall be punished as described in the Thirty-first section of the Charter of this City.

SEC. 5. The Mayor of said City and the Committee on Finance and Revenue of said City Council are hereby authorized and empowered to negotiate and sell the said bonds as and when needed, provided, however, that none of said bonds shall be sold for less than par or except for cash, and provided, that the proceeds of the sale of said bonds shall not be used for any other purposes than those described by said Section 132d of the Charter of this City as enacted by the 25th Legislature on May 19, 1897.

SEC. 6. And this ordinance shall take effect and be in force from and after the date of its passage.

Passed under a suspension of the rules at a regular meeting of the City Council held December 6, 1897.

[Approved December 11, 1897.

CHAPTER XI.

TAXES FOR 1894.

SECTION 1. That there is hereby levied for general purposes, for the municipal year beginning March 1, 1894, an ad valorem tax on all real, personal and mixed property within the City of Galveston, not exempt from taxation by the Constitution and laws of the State of Texas, of and at the rate of sixty-eight and three-tenths (68 3-10) cents on the one hundred dollars valuation of said property. The meaning of the term "personal property," as used in this ordinance, is, and is intended to be, the same as conveyed and defined in title 5, article 6, section 84, of the City Charter, and the meaning of the term "real property," as used in this ordinance is, and is intended to be, the same as conveyed and defined in title 5, article 5, section 83, of said Charter.

SEC. 2. That there is hereby levied for said municipal year a poll tax of one dollar on each and every male person between the ages of twenty-one (21) years and sixty (60) years, who has resided in the City of Galveston six months prior to the first day of March, 1894.

SEC. 3. That to provide for the interest and sinking funds upon outstanding bonds of the City of Galveston, there is hereby levied for the said year, upon all property described in the first section hereof, the several ad valorem taxes and for account of the several bonds hereinafter specified, to-wit: Forty years limited debt bonds—ordinance approved June 23, 1881; a tax of and at the rate of twenty-five and four-tenths (25 4-10) cents on the one hundred dollars valuation of said property. Forty years water works, street improvements and city hall bonds—ordinance approved October 4, 1887; a tax of and at the rate of six and two-tenths (6 2-10) cents on the one hundred dollars valuation of said property. Bonds to purchase block 321—ordinance approved February 3, 1878; a tax of and at the rate of three (3) cents on the one hundred dollars valuation of said property. Fire department

bonds for erection of engine houses; a tax of and at the rate of seven-tenths (7-10) of one cent on the one hundred dollars valuation of said property. Forty years limited debt bonds of 1891—ordinance approved October 8, 1891; a tax of and at the rate of twenty-five and one-tenth (25 1-10) cents on the one hundred dollars valuation of said property.

SEC. 4. That to provide a fund to meet the estimated expenses of operating and maintaining the John Sealy hospital, there is hereby levied for said municipal year, on all property described by the first section of this ordinance, a tax of and at the rate of seven and four-tenths (7 4-10) cents on the one hundred dollars valuation of said property.

SEC. 5. That to provide a special reserve fund as provided by section 29, clause 2, of the City Charter, there is hereby levied for said municipal year, on all the property described by the first section of this ordinance, a tax of and at the rate of two and eight-tenths (2 8-10) cents on the one hundred dollars valuation of said property.

SEC. 6. That, to provide a fund from which to pay, if found necessary, two and one-half per cent commission on forty-year limited debt bonds of 1891 when sold there is hereby levied for said municipal year on all property described by the first section hereof, a tax of and at the rate of eleven and one-tenth (11 1-10) cents on the one hundred dollars valuation of said property.

SEC. 7. That the taxes herein and hereby levied shall become due and payable on September 1, 1894, and shall bear interest at the rate of eight (8) per cent per annum from October 1, A. D. 1894, until paid.

CHAPTER XII.

TAXES FOR 1895.

That an ordinance, entitled an ordinance to levy taxes for the municipal year, beginning March 1st, 1895, be, and is hereby amended, so as to read as follows:

SECTION 1. That there is hereby levied for general purposes for the municipal year, beginning March 1st, 1895, an ad valorem tax on all real, personal and mixed property

within the City of Galveston, not exempt from taxation by the Constitution and laws of the State of Texas, of and at the rate of forty-seven and one-quarter (47¼) cents on the one hundred dollars valuation of said property. The meaning of the term "personal property," as used in this ordinance, is, and is intended to be, the same as conveyed and defined in title 5, article 6, section 84, of the city charter, and the meaning of the term "real property," as used in this ordinance, is, and is intended to be, the same as conveyed and defined in title 5, article 5, section 83, of said Charter.

SEC. 2. That there is hereby levied for said municpal year, a poll tax of one dollar on each and every male person, between the ages of twenty-one (21) years and sixty (60) years, who has resided in the City of Galveston six months prior to the first day of March, 1895.

SEC. 3. That to provide for the interest and sinking funds upon outstanding bonds of the City of Galveston, there is hereby levied for the said year, upon all property described in the first section hereof, the several ad valorem taxes, and for account of the several bonds hereinafter specified, to-wit:

Forty Years Limited Debt Bonds—Ordinance approved June 23d, 1881; a tax of, and at the rate of, twenty-seven and one-fourth (27¼) cents on the one hundred dollars valuation of said property.

Forty Years Water Works, Street Improvement and City Hall Bonds—Ordinance approved October 4th, 1887; a tax of, and at the rate of, fourteen (14) cents on the one hundred dollars valuation of said property.

Bonds to Purchase Block 321—Ordinance approved February 3d, 1873; a tax of, and at the rate of, two (2) cents on the one hundred dollars valuation of said property.

Fire Department Bonds—One cent on the one hundred dollars.

John Sealy Hospital—Seven cents on the one hundred dollars.

Special Reserve Fund—Four and one-half cents on the one hundred dollars.

CHAPTER XIII.

TAXES FOR 1896.

SECTION 1. That there is hereby levied for general purposes for the municipal year beginning March 1, 1896, an ad valorem tax on all real, personal and mixed property within the City of Galveston, not exempt from taxation by the Constitution and laws of the State of Texas, of and at the rate of sixty-three and three-fourths cents on the one hundred dollars valuation of said property. The meaning of the term "Personal Property," as used in this ordinance, is, and is intended to be, the same as conveyed and defined in title 5, article 6, section 84, of the City Charter; and the meaning of the term "Real Property," as used in this ordinance, is, and is intended to be, the same as conveyed and defined in title 5, article 5, section 83, of said Charter.

SEC. 2. That there is hereby levied for said municipal year, a poll tax of one dollar on each and every male person between the ages of twenty-one (21) years and sixty (60) years, who has resided in the City of Galveston six months prior to the first day of March, 1896.

SEC. 3. That, to provide for the interest and sinking funds upon outstanding bonds of the City of Galveston there is hereby levied for the said year, upon all property described in the first section hereof, the several ad valorem taxes, and for account of the several bonds, hereinafter specified, to-wit: Forty Years Limited Debt Bonds of 1881; ordinance approved June 3, 1881, a tax of and at the rate of twenty-two (22) cents on the one hundred dollars valuation of said property. Forty Years Water Works, Street Improvements and City Hall bonds; ordinance approved October 4, 1887, a tax of and at the rate of fourteen and seven-tenths (14 7-10) cents on the one hundred dollars valuation of said property. Bonds to purchase block 321; ordinance approved February 3, 1873, a tax of and at the rate of one and sixty-five one hundredths (1 65-100) cents on the one hundred dollars valuation of said property. Forty Year Limited Debt Bonds of 1891; ordinance approved October 8, 1891, a tax of and at the rate of thirty-one and three-tenths (31 3-10) cents on the one hundred dollars valuation of said property. Twenty

Year General Indebtedness Funding Bonds of 1895; ordinance approved November 12, 1895, a tax of and at the rate of five and two-tenths (5 2-10) cents on the one hundred dollars valuation of said property.

SEC. 4. That to provide a fund to meet the estimated expenses of operating and maintaining the John Sealy Hospital, there is hereby levied for said municipal year, on all property described in the first section of this ordinance, a tax of and at the rate of five and one-half (5½) cents on the one hundred dollars valuation of said property.

CHAPTER XIV.

TAXES FOR 1897.

SECTION 1. That there is hereby levied for general purposes for the municipal year beginning March 1, 1897, an ad valorem tax on all real, personal and mixed property within the City of Galveston, not exempt from taxation by the Constitution and laws of the State of Texas, of and at the rate of fifty-four and one-half cents (54½c) on the one hundred dollars valuation of said property. The meaning of the term "personal property," as used in this ordinance, is, and is intended to be, the same as conveyed and defined in title 5, article 6, section 84, of the City Charter; and the meaning of the term "real property," as used in this ordinance, is, and is intended to be, the same as conveyed and defined in title 5, article 5, section 83, of said City Charter.

SEC. 2. That there is hereby levied for said municipal year a poll tax of one dollar ($1.00) on each and every male person between the ages of twenty-one years and sixty years, who has resided in said City of Galveston six months prior to the first day of March, 1897.

SEC. 3. That, to provide for the interest and sinking funds upon outstanding bonds of said City of Galveston, there is hereby levied for the said year upon all property described in the first section hereof, the several advalorem taxes and for account of the several bonds hereinafter specified, to-wit:

Forty-Years Limited Debt Bonds of 1881, ordinance ap-

proved June 3, 1881, a tax of and at the rate of twenty cents (20c) on the one hundred dollars valuation of said property.

Forty-Years Water-Works, Street Improvements and City Hall Bonds, ordinance approved October 4, 1887, a tax of and at the rate of sixteen cents (16c) on the one hundred dollars valuation of said property;

Forty-Years Limited Debt Bonds of 1891, ordinance approved October 8, 1891, a tax of and at the rate of twenty-eight cents (28c) on the one hundred dollars valuation of said property;

Twenty-Years General Indebtedness Funding Bonds of 1895, ordinance approved November 12, 1895, a tax of and at the rate of five cents (5c) on the one hundred dollars valuation of said property;

Forty-Years Water-Works Bonds of 1896, ordinance approved March 7, 1896, a tax of and at the rate of one cent (1c) on the one hundred dollars valuation of said property.

Bonds to Purchase Block Three Hundred and Twenty-one, ordinance approved February 3, 1873, a tax of and at the rate of two cents (2c) on the one hundred dollars valuation on said property.

SEC. 4. That to provide a fund to meet the estimated expenses of operating and maintaining the John Sealy Hospital, there is hereby levied for said municipal year, on all property described in the first section of this ordinance, a tax of and at the rate of two cents (2c) on the one hundred dollars valuation of said property.

CHAPTER XV.

TAXES FOR 1898.

SECTION 1. That there is hereby levied for general purposes for the municipal year beginning March 1, 1898, an ad valorem tax on all real, personal and mixed property within the city of Galveston, not exempt from taxation by the constitution and laws of the State of Texas, of and at the rate of eighty-five and six-tenths cents on the one hundred dollars valuation of said property.

SEC. 2. That there is hereby levied for said municipal year a poll tax of one dollar on each and every male person between the ages of 21 and 60 years, who has resided in the city of Galveston six months prior to the first day of March, 1898.

SEC. 3. To provide for the interest and sinking funds upon outstanding bonds of the city of Galveston, there is hereby levied for the said year upon all property described in the first section hereof, the several ad valorem taxes and for account of the several bonds hereinafter specified, to-wit:

Forty year limited debt bonds of 1881; ordinance approved June 3, 1881, a tax of and at the rate of seventeen (17) cents on the one hundred dollars' valuation of said property.

Forty-year water works, street improvement and city hall bonds, ordinance approved October 4, 1887, a tax of and at the rate of twelve and seven-tenths (12 7-10) cents on the one hundred dollars' valuation of said property.

Bonds to purchase block three hundred and twenty-one (321), ordinance approved February 3, 1873, a tax of and at the rate of two and two-tenths (2 2-10) cents on the one hundred dollars' valuation of said property.

Forty-year limited debt bonds of 1891, ordinance approved October 8, 1891, a tax of and at the rate of twenty-six and one-half (26½) cents on the one hundred dollars' valuation of said property.

Twenty-year general indebtedness funding bonds of 1895, ordinance approved November 12, 1895, a tax of and at the rate of three and seven-tenths (3 7-10) cents on the one hundred dollars' valuation of said property.

Forty-year water works bonds of 1896, ordinance approved March 8, 1897, a tax of and at the rate of one (1) cent on the one hundred dollars' valuation of said property.

Public school house bonds; ordinance approved June 8, 1897, a tax of and at the rate of one-tenth of one (1-10) cent on the one hundred dollars' valuation of said property.

General indebtedness funding bonds of 1897, ordinance approved September 8, 1897, a tax of and at the rate of one and eight-tenths (1 8-10) cents on the one hundred dollars' valuation of said property.

SEC. 4. That to provide a fund to meet the estimated expense of operating and maintaining the John Sealy Hospital, there is hereby levied for said municipal year on all property described in the first section of this ordinance an ad valorem tax of and at the rate of one and six-tenths (1 6-10) cents on the one hundred dollars' valuation of said property.

SEC. 5. That to provide a special reserve fund, as provided by section 29, clause 2, of the Charter of the City of Galveston, there is hereby levied for said municipal year on all the property described in the first section of this ordinance an ad valorem tax of and at the rate of four and eight-tenths (4 8-10) cents on the one hundred dollars' valuation of said property.

SEC. 6. That the taxes herein and hereby levied shall be and become due and payable on September 1, 1898, and shall bear interest at the rate of eight per centum per annum from October 1, A. D. 1898, until paid.

CHAPTER XVI.

TAXES FOR 1899.

SECTION 1. That there is hereby levied for general purposes for the municipal year beginning March 1, 1899, an ad valorem tax on all real, personal and mixed property, within the city of Galveston, not exempt from taxation by the Constitution and laws of the State of Texas, of and at the rate of seventy-eight and five-tenths (78 5-10) cents on the one hundred dollars' valuation of said property. The meaning of the term "personal property," as used in this ordinance, is and is intended to be the same as conveyed and defined in title 5, article 6, section 84 of the charter of the city of Galveston; and the meaning of the term "real property," as used in this ordinance, is and is intended to be the same as conveyed and defined in title 5, article 5, section 83, of the city charter.

SEC. 2. That there is hereby levied for said municipal year a poll tax of one dollar on each and every male person, between the ages of twenty-one and sixty years, who has resided in the city of Galveston six months prior to the first day of March, 1899.

SEC. 3. That to provide for the interest and sinking funds upon outstanding bonds of the city of Galveston, there is hereby levied for the said year upon all property described in the first section hereof, the several ad valorem taxes and for account of the several bonds hereinafter specified, to-wit:

Forty-year limited debt bonds of 1881; ordinance approved June 3, 1881, a tax of and at the rate of eighteen (18) cents on the one hundred dollars valuation of said property.

Forty-year water works, street improvement and city hall bonds; ordinance approved October 4, 1887, a tax of and at the rate of fourteen (14) cents on the one hundred dollars' valuation of said property.

Bonds to purchase block three hundred and twenty-one (321); ordinance approved February 3, 1873, a tax of and at the rate of one and six-tenths (1 6-10) cents on the one hundred dollars' valuation of said property.

Forty-year limited debt bonds of 1891; ordinance approved October 8, 1891, a tax of and at the rate of twenty-eight (28) cents on the one hundred dollars valuation of said property.

Twenty-year general indebtedness funding bonds of 1895; ordinance approved November 12, 1895, a tax of and at the rate of four (4) cents on the one hundred dollars' valuation of said property.

Forty-year water works bonds of 1896; ordinance approved March 8, 1896, a tax of and at the rate of one (1) cent on the one hundred dollars' valuation of said property.

Public school house bonds; ordinance approved June 8, 1897, a tax of and at the rate of seven-tenths of one (7-10) cent on the one hundred dollars' valuation of said property.

General indebtedness funding bonds of 1897; ordinance approved September 8, 1897, a tax of and at the rate of four (4) cents on the one hundred dollars' valuation of said property.

SEC. 4. That to provide a fund to meet the estimated expenses of operating and maintaining the John Sealy Hospital, there is hereby levied for said municipal year on all property described in the first section of this ordinance an ad valorem tax of and at the rate of six and four-tenths (6 4-10) cents on the one hundred dollars' valuation of said property.

SEC. 5. That to provide a special reserve fund, as provided by Section 29, Clause 2 of the Charter of the City of Galveston, there is hereby levied for said municipal year on all the property described in the first section of this ordinance an ad valorem tax of and at the rate of eight-tenths (8-10) of one cent on the one hundred dollars' valuation of said property.

SEC. 6. That the taxes herein and hereby levied shall be and become due and payable on September 1, 1899, and shall bear interest at the rate of eight per centum per annum from October 1, A. D. 1899, until paid.

CHAPTER XVII.

TAXES FOR 1900.

SECTION 1. That there is hereby levied for general purposes for the municipal year beginning March 1, 1900, an ad valorem tax on all real, personal and mixed property within the city of Galveston, not exempt from taxation by the Constitution and Laws of the State of Texas, of and at the rate of sixty-three and nine-tenths cents (63.9c) on the one hundred dollars' valuation of said property. The meaning of the term "personal property," as used in this ordinance, is, and is intended to be, the same as conveyed and defined in Title 5, Article 6, Section 64, of the City Charter; and the meaning of the term "real property," as used in this ordinance, is, and is intended to be, the same as conveyed and defined in Title 5, Article 5, Section 83, of said City Charter.

SEC. 2. That there is hereby levied for said municipal year a poll tax of one dollar ($1.00) on each and every male person between the ages of twenty-one years and sixty years, who has resided in said City of Galveston six months prior to the first day of March, 1900.

SEC. 3. That, to provide for the interest and sinking funds upon outstanding bonds of said city of Galveston, there is hereby levied for the said year upon all property described in the first section hereof, the several ad valorem taxes and for account of the several bonds hereinafter specified, to-wit:

Forty-Years Limited Debt Bonds of 1881; ordinance approved June 3, 1881, a tax of and at the rate of twenty cents on the one hundred dollars' valuation of said property.

Forty-Years Water-Works, Street Improvement and City Hall Bonds; ordinance approved October 4, 1897, a tax of and at the rate of sixteen and four-tenths cents (16.4c) on the one hundred dollars' valuation of said property.

Forty-Years Limited Debt Bonds of 1891; ordinance approved October 8, 1891, a tax of and at the rate of thirty-three cents (33c) on the one hundred dollars' valuation of said property.

Twenty-Years General Indebtedness Funding Bonds of 1895; ordinance approved November 12, 1895, a tax of and at the rate of five and five-tenths cents (5.5c) on the one hundred dollars' valuation of said property.

General Indebtedness Funding Bonds of 1897; ordinance approved September 8, 1897, a tax of and at the rate of five cents (5c) on the one hundred dollars' valuation of said property.

Forty year water works bonds of 1896; ordinance approved March 7, 1896; a tax of and at the rate of one and two-tenths cents (1.2c) on the one hundred dollars valuation of said property.

Bonds to purchase block three hundred and twenty-one; ordinance approved February 3, 1873, a tax of and at the rate of one and seven-tenths cents (1.7c) on the one hundred dollars valuation of said property.

Public school house bonds; ordinance approved June 8, 1897, a tax of and at the rate of eight-tenths cents (0.8c), on the one hundred dollars valuation of said property.

SEC. 4. That to provide a fund to meet the estimated expenses of operating and maintaining the John Sealy hospital, there is hereby levied for said municipal year, on all property described in the first section of this ordinance, a tax of and at the rate of six cents (6c) on the one hundred dollars valuation of said property.

SEC. 5. That to provide a special reserve fund, as provided by Section 29, clause second, of the city charter, there is hereby levied for said municipal year, on all property described in the first section of this ordinance, a tax of and at the rate of three and five-tenths cents (3.5c) on the one hundred dollars valuation of said property.

SEC. 6. That the taxes herein and hereby levied shall become due and payable on September 1, 1900, and shall bear interest at the rate of eight (8) per cent per annum from October 1, 1900, until paid.

SEC. 7. That the taxes levied by this ordinance are hereby made payable in the currency or coin of the United States.

SEC. 8. That this ordinance shall take effect and be in force from and after the date of its passage.

[Approved March 7, 1900.

CHAPTER XVIIa.

TAXES FOR 1901.

SECTION 1. That there is hereby levied for general purposes for the municipal year beginning March 1, 1901, an ad valorem tax on all real, personal and mixed property within the city of Galveston, not exempt from taxation by the Constitution and Laws of the State of Texas, of and at the rate of thirty-eight cents (38c) on the one hundred dollars valuation of said property. The meaning of the term "personal property" as used in this ordinance is, and is intended to be, the same as conveyed and defined in Title 5, Article 6, Section 84, of the charter; and the meaning of the term "real property" as used in this ordinance is, and is intended to be, the same as conveyed and defined in Title 5, Article 5, Section 83, of said city charter.

SEC. 2. That there is hereby levied for said municipal year a poll tax of one dollar ($1.00) on each and every male person between the ages of twenty-one years and sixty years, who has resided in said city of Galveston six months prior to the first day of March, 1901.

SEC. 3. That to provide for the interest and sinking funds upon outstanding bonds of said city of Galveston, there is hereby levied for the said year upon all property described in the first section here, the several ad valorem taxes and for account of the several bonds hereinafter specified, to-wit:

Forty-years Limited Debt Bonds of 1881; ordinance approved June 3, 1881, a tax of and at the rate of four cents (4c) on the one hundred dollars valuation of said property.

Forty-years Waterworks, Street Improvement and City Hall Bonds; ordinance approved October 4, 1887, a tax of and at the rate of twenty-three cents (23 cents) on the one hundred dollars valuation of said property.

Forty-years Limited Debts Bonds of 1891; ordinance approved October 8, 1891, a tax of and at the rate of forty-six cents (46 cents) on the one hundred dollars valuation of said property.

Twenty-years General Indebtedness Funding Bonds of 1895; ordinance approved November 12, 1895, a tax of and at the rate of six cents (6 cents) on the one hundred dollars valuation of said property.

General Indebtedness Funding Bonds of 1897, ordinance approved September 8, 1897, a tax of and at the rate of six cents (6 cents) on the one hundred dollars valuation of said property.

Bonds to purchase Block three hundred and twenty-one; ordinance approved February 3, 1873, a tax of and at the rate of two cents (2 cents) on the one hundred dollars valuation of said property. .

Forty Years Sewerage Bonds; ordinance approved December 11th, 1897, tax of and at the rate of ten cents on the one hundred dollars valuation of said property.

Provided, however, that should the bonds hereinbefore described, or any of them, be refunded and other bonds issued in their stead, that then the taxes herein and hereby levied shall be applied to the interest and sinking fund of said new or refunding bonds, just as they would have been used and applied for the same purposes on account of the bonds hereinbefore specified, so that the levies now here made shall be for the interest and sinking fund of the bonds herein described, or by any substitute or substitutes therefor.

Sec. 4. That, to provide a fund to meet the estimated expenses of operating and maintaining the John Sealy hospital, there is hereby levied for said municipal year, on all property described in the first section of this ordinance, a tax of and at the rate of two cents (2 cents) on the one hundred dollars valuation of said property.

SEC. 5. That, to provide a special reserve fund, as provided by Section 29, Clause Second, of the city charter, there is hereby levied for said municipal year, on all property described in the first section of this ordinance, a tax of and at the rate of thirteen cents (13 cents) on the one hundred dollars valuation of said property.

SEC. 6. That the taxes herein and hereby levied shall become due and payable on September 1, 1901, and shall bear interest at the rate of six per cent (6 per cent) per annum from October 1, 1901, until paid.

SEC. 7. That the taxes levied by this ordinance are hereby made payable in the currency or coin of the United States.

SEC. 8. That this ordinance shall take effect and be in force from and after the date of its passage.

CHAPTER XVIII.

SCHOOL TAX FOR 1893.

SECTION 1. That there is hereby levied for one year next ensuing, from and after the 1st day of October, A. D. eighteen hundred and ninety-three (1893), for the support of the public free schools in and for the city of Galveston, an annual advalorem tax on all personal, real and mixed property within said city not exempt from taxation by the Constitution and laws of the State, of and at the rate of twenty (20) cents on the one hundred dollars valuation of said property. The meaning of the term "personal property," as used in this ordinance is, and is intended to be the same as conveyed and defined in title five (5), article six (6), section eighty-four (84) of the city charter; and the meaning of the term "real property" as used in this ordinance is and is intended to be the same as conveyed and defined by title five (5), article five (5), section eighty-three (83) of said charter.

SEC. 2. That it shall be the duty of every person, partnership, corporation or association of persons owning or controlling property within the limits of said city to hand into the assessor of said city a full and complete inventory of the property possessed or controlled by him, her or them, within said limits, not exempt from taxation, on the first day of

October of said year, within two months after the first publication of a public notice by the said assessor requiring them so to do, which said notice shall be so published in one of the daily papers published in the city of Galveston, and said notice shall specify some period, not less than two months, on or before which the time limited for the rendition of said property shall expire.

SEC. 3. That said tax shall be assessed by the assessor and collected by the collector of said city, and in the assessment and collection thereof and in all matters pertaining thereto or connected therewith said collector and assessor shall have the same powers and shall be governed by the same rules, regulations and proceedings as are now provided by the charter and ordinances of said city for the assessment and collection of taxes for ordinary municipal purposes, unless otherwise specially provided in this ordinance.

CHAPTER XIX.

SCHOOL TAX FOR 1894.

SECTION 1. That there is hereby levied for one year next ensuing from and after the first day of October, A. D. 1894, for the support of the public free schools in and for the city of Galveston, an annual ad valorem tax on all personal, real and mixed property within said city not exempt from taxation by the Constitution and laws of the State, of and at the rate of twenty cents on the $100 valuation of said property. The meaning of the term "personal property," as used in this ordinance is, and is intended to be the same as conveyed and defined in title five, article six, section eighty-four of the city charter; and the meaning of the term "real property" is, and is intended to be the same as conveyed and defined by title five, article five, section eighty-three of said charter.

SEC. 2. It shall be the duty of every person, partnership, corporation or association of persons owning or controlling property within the limits of said city to hand in to the assessor of said city a full and complete inventory of the property possessed or controlled by him, her, or them within said limits not exempt from taxation on the first day of Oc-

tober of said year within two months after the first publication of a public notice by the said assessor requiring them so to do, which said notice shall be so published in one of the daily papers published in the city of Galveston, and said notice shall specify some period not less than two months on or before the time limited for the rendition of said property shall expire.

SEC. 3. That said tax shall be assessed by the assessor and collected by the collector of said city, and in the assessment and collection thereof, and in all matters pertaining thereto or connected therewith, said collector and assessor shall have the same powers, and shall be governed by the same rules, regulations, and proceedings as are now provided by the charter and ordinances of said city for the assessment and collection of taxes for ordinary municipal purposes, unless otherwise specially provided in this ordinance.

SEC. 4. That the tax hereby levied shall become due and payable on the first day of January, A. D. 1895, and shall bear interest at the rate of 8 per cent per annum from March 1, 1895, until paid, and if any person shall fail or refuse to pay the taxes imposed upon him or his property by this ordinance until the first day of March, 1895, the collector shall, by virtue of his tax rolls, seize and levy upon and sell so much of said property, personal or real, belonging to such person, whether resident or non-resident, as may be sufficient to pay such taxes, together with all costs accruing thereon.

CHAPTER XX.

SCHOOL TAX FOR 1895.

SECTION 1. That there is hereby levied for one year next ensuing, from and after the first day of October, A. D. 1895, for the support of the public free schools in and for the city of Galveston, an annual ad valorem tax on all personal, real and mixed property within said city, not exempt from taxation by the Constitution and laws of the State, of and at the rate of twenty (20) cents on the one hundred dollars valuation of said property. The meaning of the term "personal property," as used in this ordinance, is, and is intended to

be, the same as conveyed and defined in title five, article six, section eighty-four, of the city charter; and the meaning of the term "real property" is, and is intended to be, the same as conveyed and defined by title five, article five, section eighty-three, of said charter.

SEC. 2. That it shall be the duty of every person, partnership, corporation or association of persons, owning or controlling property within the limits of said city, to hand in to the assessor of said city a full and complete inventory of the property possessed or controlled by him, her or them, within said limits, not exempt from taxation on the first day of October of said year, within two months after the first publication of a public notice by the said assessor requiring them so to do, which said notice shall be so published in one of the daily papers published in the city of Galveston, and such notice shall specify some period, not less than two months, on or before which the time limited for the rendition of said property shall expire.

CHAPTER XXI.

SCHOOL TAX FOR 1896.

SECTION 1. That there is hereby levied for one (1) year, from and after the first day of October, A. D. 1896, for the support of the public free schools in and for the city of Galveston, an annual ad valorem tax on all personal, real and mixed property within said city, not exempt from taxation by the Constitution and laws of the State, of and at the rate of twenty (20) cents on the one hundred dollars valuation of said property. The meaning of the term "personal property," as used in this ordinance, is, and is intended to be, the same as conveyed and defined in title 5, article 6, section 84, of the city charter; and the meaning of the term "real property" is, and is intended to be, the same as conveyed and defined by title 5, article 5, section 83, of said charter.

SEC. 2. That it shall be the duty of every person, partnership, corporation or association of persons, owning or controlling property within the limits of said city, to hand in to the assessor of said city a full and complete inventory of the

property possessed or controlled by him, her or them, within said limits, not exempt from taxation, on the first day of October of said year, within two months after the first publication of a public notice by the said assessor requiring them so to do, which said notice shall be so published in one of the daily papers published in the city of Galveston, and such notice shall specify some period, not less than two months, on or before which the time limited for the rendition of said property shall expire.

SEC. 3. That said tax shall be assessed by the assessor and collected by the collector of said city, and in the assessment and collection thereof, and in all matters appertaining thereto, or connected therewith, said assessor and collector shall have the same powers, and shall be governed by the same rules, regulations and proceedings as are now provided by the charter and ordinances of said city for the assessment and collection of taxes for ordinary municipal purposes, unless otherwise specially provided in this ordinance.

SEC. 4. That the taxes herein and hereby levied shall become due and payable on the first day of March, A. D. 1897, and shall bear interest at the rate of eight (8) per centum per annum from March 1, 1897, until paid; and if any person shall fail or refuse to pay the taxes imposed upon him, or upon his property, until the first day of March, 1897, the collector shall, by virtue of his tax roll, seize and levy upon and sell so much of the property, personal or real, belonging to such person.

CHAPTER XXII.

SCHOOL TAX FOR 1897.

SECTION 1. That there is hereby levied for one year next ensuing, from and after the first day of October, A. D. 1897, for the support of the public free schools in and for the city of Galveston, an annual ad valorem tax on all personal, real and mixed property within said city, not exempt from taxation by the Constitution and laws of the State, of and at the rate of twenty (20) cents on the one hundred dollars valuation of said property. The meaning of the term "personal property," as used in this ordinance, is, and is intended

to be the same as conveyed and defined in title 5, article 6, section 84, of the city charter; and the meaning of the term "real property," is, and is intended to be, the same as conveyed and defined by title 5, article 5, section 83, of said charter.

SEC. 2. That it shall be the duty of every person, partnership, corporation or association of persons, owning or controlling property within the limits of said city, to hand in to the assessor of said city a full and complete inventory of the property possessed or controlled by him, her or them, within said limits, not exempt from taxation on the first day of October of said year, within two months after the first publication of a public notice by the said assessor requiring them so to do, which said notice shall be so published in one of the daily papers published in the city of Galveston, and such notice shall specify some period, not less than two months, on or before which the time limited for the rendition of said property shall expire.

SEC. 3. That said tax shall be assessed by the assessor and collected by the collector of said city, and in the assessment and collection thereof, and in all matters appertaining thereto or connected therewith, said assessor and collector shall have the same powers, and shall be governed by the same rules, regulations and proceedings, as are now provided by the charter and ordinances of said city for the assessment and collection of taxes for ordinary municipal purposes, unless otherwise specially provided in this ordinance.

SEC. 4. That the taxes hereby and herein levied shall become due and payable on the first day of January, A. D. 1898, and shall bear interest at the rate of eight (8) per centum per annum from March 1, 1898, until paid; and if any person shall fail or refuse to pay the taxes imposed upon him or upon his property until the first day of March, 1898, the collector shall, by virtue of his tax roll, seize and levy upon and sell so much of the property—personal or real—belonging to such person, whether resident or non-resident, as may be sufficient to pay such taxes, together with all costs accruing thereon.

CHAPTER XXIII.

SCHOOL TAX FOR 1898.

SECTION 1. That there is hereby levied for one year next ensuing, from and after the first day of October, A. D. 1898, for the support of the public free schools in and for the city of Galveston an annual ad valorem tax on all personal, real and mixed property within said city, not exempt from taxation by the Constitution and laws of the State, of and at the rate of twenty (20) cents on the one hundred dollars valuation of said property. The meaning of the term "personal property," as used in this ordinance, is, and is intended to be the same as conveyed and defined in title 5, article 6, section 84, of the city charter; and the meaning of the term "real property" is, and is intended to be, the same as conveyed and defined by title 5, article 5, section 83, of said charter.

SEC. 2. That it shall be the duty of every person, partnership, corporation or association of persons, owning or controlling property within the limits of said city, to hand in to the assessor of said city a full and complete inventory of the property possessed or controlled by him, her or them, within said limits, not exempt from taxation, on the first day of October of said year, within two months after the first publication of a public notice by the said assessor requiring them to do so, which said notice shall be so published in one of the daily papers published in the city of Galveston, and such notice shall specify some period, not less than two months, on or before which the time limited for the rendition of said property shall expire.

SEC. 3. That said tax shall be assessed by the assessor and collected by the collector of said city, and in the assessment and collection thereof, and in all matters appertaining thereto or connected therewith, said assessor and collector shall have the same powers, and shall be governed by the same rules, regulations and proceedings as are now provided by the charter and ordinances of said city for the assessment and collection of taxes for ordinary municipal purposes, unless otherwise specially provided in this ordinance.

SEC. 4. That the taxes hereby and herein levied shall become due and payable on the first day of January, A. D. 1899, and shall bear interest at the rate of eight (8) per centum per annum from March 1, 1899, until paid; and if any person shall fail or refuse to pay the taxes imposed upon him or upon his property until the first day of March, 1899, the collector shall, by virtue of his tax roll, seize and levy upon and sell so much of the property—personal or real—belonging to such persons, whether resident or non-resident, as may be sufficient to pay such taxes, together with all costs accruing thereon.

CHAPTER XXIV.

SCHOOL TAX FOR 1899.

SECTION 1. That there is hereby levied for one (1) year, from and after the first day of October, A. D. 1899, for the support of the public free schools in and for the city of Galveston, an annual ad valorem tax on all personal, real and mixed property within said city, not exempt from taxation by the Constitution and laws of the State, of and at the rate of twenty (20) cents on the hundred dollars valuation of said property. The meaning of the term "personal property," as used in this ordinance, is, and is intended to be, the same conveyed and defined in title 5, article 6, section 84, of the city charter; and the meaning of the term "real property," is, and is intended to be, the same as conveyed and defined by title 5, article 5, section 83, of said charter.

SEC. 2. That it shall be the duty of every person, partnership, corporation or association of persons, owning or controling property within the limits of said city, to hand in to the assessor of said city a full and complete inventory of the property possessed or controlled by him, her or them, within said limits, not exempt from taxation on the first day of October of said year, within two months after the first publication of a public notice by the said assessor requiring them so to do, which said notice shall be so published in one of the daily papers published in the city of Galveston, and such notice shall specify some period, not less than two months,

on or before which the time limited for the rendition of said property shall expire.

SEC. 3. That said tax shall be assessed by the assessor and collected by the collector of said city, and in the assessment and collection thereof, and in all matters appertaining thereto, or connected therewith, said assessor and collector shall have the same powers, and shall be governed by the same rules, regulations and proceedings as are now provided by the charter and ordinances of said city for the assessment and collection of taxes for ordinary municipal purposes, unless otherwise specially provided in this ordinance.

SEC. 4. That the taxes hereby and herein levied shall become due and payable on the first day of January, A. D. 1900, and shall bear interest at the rate of eight (8) per centum per annum from March 1, 1900, until paid; and if any person shall fail or refuse to pay the taxes imposed upon him, or upon his property, until the first day of March, 1900, the collector shall, by virtue of his tax roll, seize and levy upon and sell so much of the property, personal or real, belonging to such person, whether resident or non-resident, as may be sufficient to pay such taxes, together with all costs accruing thereon.

CHAPTER XXV.

SCHOOL TAX FOR 1900.

SECTION 1. That there is hereby levied for the one year next ensuing, from and after the first day of October, A. D. 1900, for the support of the public free schools in and for the City of Galveston, an annual ad valorem tax on all personal, real and mixed property within said city, not exempt from taxation by the Constitution and laws of the State, of and at the rate of twenty (20) cents on the one hundred dollars valuation of said property. The meaning of the term "personal property," as used in this ordinance, is, and is intended to be, the same as conveyed and defined in title 5, article 6, section eighty-four, of the City Charter; and the meaning of the term "real property," is, and is intended to be, the same as conveyed and defined by title 5, article 5, section 83 of said charter.

SEC. 2. That it shall be the duty of every person, partnership, corporation or association of persons, owning or controlling property within the limits of said city, to hand in to the assessor of said city a full and complete inventory of the property possessed or controlled by him, her or them, within said limits, not exempt from taxation on the first day of October of said year, within two months after the first publication of a public notice by the said assessor requiring them so to do, which notice shall be so published in one of the daily papers published in the City of Galveston, and such notice shall specify some period, not less than two months, on or before which the time limited for the rendition of said property shall expire.

SEC. 3. That said tax shall be assessed by the assessor, and collected by the collector of said city, and in the assessment and collection thereof, and in all matters appertaining thereto, or connected therewith, said assessor and collector shall have the same powers, and shall be governed by the same rules, regulations and proceedings as are now provided by the charter and ordinances of said city for the assessment and collection of taxes for ordinary municipal purposes, unless otherwise specially provided in this ordinance.

SEC. 4. That the taxes herein and hereby levied shall become due and payable on the first day of January, A. D. 1901, and shall bear interest at the rate of eight (8) per centum per annum from March 1st, 1901, until paid; and if any person shall fail or refuse to pay the taxes imposed upon him or upon his property until the first day of March, 1901, the collector shall, by virtue of his tax roll, seize and levy upon and sell so much of the property, personal or real, belonging to such person, whether resident or non-resident, as may be sufficient to pay such taxes, together with all costs accruing thereon.

[Approved September 5, 1900.

CHAPTER XXVa.

SCHOOL TAX FOR 1901-1902.

SECTION 1. That there is hereby levied for one year next ensuing from and after the first day of October, A. D. 1901, for

the support of the public free schools in and for the City of Galveston an annual ad valorem tax on all personal, real and mixed property within said city, not exempt from taxation by the Constitution and laws of the State, of and at the rate of twenty (20) cents on the one hundred dollars valuation of said property. The meaning of the term "personal property," as used in this ordinance is, and is intended to be the same as conveyed and defined in title 5, article 6, section 84 of the City Charter, and the meaning of the term "real property," is, and is intended to be, the same as conveyed and defined by title 5, article 5, section 83 of said Charter.

SEC. 2. That it shall be the duty of every person, partnership, corporation or association of persons, owning or controlling property within the limits of said city, to hand in to the assessor of said city a full and complete inventory of the property possessed or controlled by him, her or them, within said limits, not exempt from taxation on the first day of October of said year, within two months after the first publication of a public notice by the assessor requiring them so to do, which notice shall be so published not less than five times in one of the daily papers published in the City of Galveston, and such notice shall specify some period, not less than two months, on or before which the time limited for the rendition of said property shall expire.

(Section 2 amended as above October 15, 1901.)

SEC. 3. That said tax shall be assessed by the assessor and collected by the collector of said City, and in the assessment and collection thereof, and in all matters appertaining thereto or connected therewith, said assessor and collector shall have the same powers and shall be governed by the same rules, regulations and proceedings as are now provided by the charter and ordinances of said City for the assessment and collection of taxes for ordinary municipal purposes, unless otherwise specially provided in this ordinance.

SEC. 4. That the taxes hereby and herein levied shall become due and payable on the first day of January, A. D. 1902, and shall bear interest at the rate of eight (8) per centum per annum from March 1, 1902, until paid, and if any person shall fail or refuse to pay the taxes imposed upon him or

upon his property until the first day of March, 1902, the collector shall, by virtue of his tax roll, seize and levy upon and sell so much of the property, personal or real, belonging to such person, whether resident or non-resident, as may be sufficient to pay such taxes, together with all costs accruing thereon.

CHAPTER XXVI.

GRANT TO THE GALVESTON, HOUSTON AND NORTHERN RAILWAY.

SECTION 1. That there is hereby granted to the Galveston, Houston and Northern Railway Company, its successors or assigns, the following franchises, rights, privileges and licenses in the City of Galveston, viz:

(1). The right of way for a single or double steam railroad track, with all necessary and convenient switches, turnouts, sidings and side-tracks, together with the right, privilege and license of constructing and maintaining the same and operating a steam railroad thereon, upon, over and along Avenue B or Strand street, from the easterly line of Forty-first street to the easterly line of Twenty-seventh street.

(2). The right of way for a double steam railroad track, with all necessary and convenient switches, turnouts, sidings and side-tracks, together with the right, privilege and license of constructing and maintaining the same and operating a steam railroad thereon, across, upon, over and along the following streets and alleys, viz.: Beginning at any point in Avenue E or Post Office street west of Forty-sixth street that the said Galveston, Houston and Northern Railway Company, its successors or assigns, may elect, thence in a northwesterly direction to any point in Avenue B or Strand street west of Forty-eighth street that said Railway Company, its successors or assigns, may elect, crossing all intervening streets and alleys now existing or that may hereafter exist between the beginning point of said railroad track and Avenue E or Post Office street and the ending point thereof in Avenue B or Strand street, whether said intervening streets run easterly and westerly or northerly and southerly, together with the right to connect said railroad track with any and all railroads now, or that may hereafter be constructed on Avenue E or

Post Office street, on Avenue B or Strand street, and on any of said intervening streets; provided, that said railroad track shall not cross Avenue D or Market street at any point east of Forty-eighth street.

(3). The right of way for all steam railroad tracks that said railway company, its successors or assigns, may deem necessary for the convenient use of the three blocks of grounds hereinafter referred to or of any one or more of them, together with the right, privilege and license of constructing and maintaining the same and operating a steam railroad thereon, across, upon, over and along Thirtieth, Thirty-first and Thirty-second streets between Avenue E or Post Office street, and Avenue F or Church street, and also across, upon, over and along any and all alleys that now or may hereafter exist, through blocks numbered four hundred and forty-nine, four hundred and fifty and four hundred and fifty-one, together with the right to connect said tracks with the track of said Railway Company on Avenue E or Post Office street.

(4.) The right to close to public use, and to take possession of and exclusively use and enjoy so much of Thirty-first street as lies between Avenue E or Post Office street and Avenue F or Church street for the purpose of using and enjoying the same in connection with the use made or to be made by said Railway Company, its successors or assigns, of the three blocks of ground last aforesaid or of any one or more for them.

SEC. 2. The grants hereby made are made with the express stipulation and agreement that the said Railway Company, by the acceptance of the same, agrees and undertakes to hold the City of Galveston harmless and indemnify it against all suits of whatsoever nature, costs, damages, claims and expenses that may arise or grow out of the occupation and use by said Railway Company of the rights of way and franchises hereby granted.

[Approved July 5, 1900.

CHAPTER XXVII.

GRANT TO THE GALVESTON, HOUSTON AND NORTHERN RAILWAY.

Section 1. That there is hereby granted to the Galveston, Houston and Northern Railway Company, its successors or assigns, the right of way for a double railroad track, with all necessary and convenient switches, turnouts, sidings and side tracks, together with the right, privilege and license of constructing and maintaining the same and operating a steam railroad thereon, upon, over and along Avenue F, or Church street, including the sidewalks on the north side thereof, from the easterly line of Thirty-second street to the westerly line of Twenty-ninth street, provided that said tracks, switches, turn-outs, sidings and side-tracks shall be constructed north of the center line of said Avenue F, or Church street; and, provided further, that the distance between the center line of the most southerly of said tracks and the center line of said street shall not be less than fifteen feet.

Sec. 2. The grant hereby made is made with the express stipulation and agreement that the said Railway Company, by the acceptance of same, agrees and undertakes to hold the City of Galveston harmless, and to indemnify it against all suits of whatsoever nature, costs, damages, claims and expenses that may arise or grow out of the occupation and use by the said Railway Company of the rights of way and franchise hereby granted.

[Approved September 5, 1900.

CHAPTER XXVIII.

GRANT TO THE GALVESTON, HOUSTON AND NORTHERN RAILWAY.

Section 1. That there is hereby granted to the Galveston, Houston and Northern Railway Company, its successors and assigns, the right of way for a single or double steam railroad track with all necessary and convenient switches, turn-outs, sidings and side-tracks, together with the right, privilege, franchise and license of constructing, maintaining and operating a steam railroad thereon, upon, over and along the following streets and alleys of the City of Galveston: Beginning at any point in Thirty-first street between the north line of Ave-

nue F and the south line of Avenue E, thence in a southerly direction along Thirty-first street, crossing Avenues F, G and H and all intervening alleys to the north line of Avenue I, together with the right to connect with the track or tracks of the Galveston, Houston and Northern Railway Company at any point on or near Thirty-first street between the north line of Avenue F and the south line of Avenue E.

SEC. 2. The grant hereby made is made with the express stipulation and agreement that the said Galveston, Houston and Northern Railway Company, by the acceptance of the same, agrees and undertakes to hold the City of Galveston harmless and indemnify it against all suits of whatever nature, costs, damages, claims and expenses that may arise or accrue out of the occupation and use by said Railway Company of the rights of way and franchise hereby granted.

SEC. 3. Said company, its successors or assigns, shall construct substantial crossings and approaches thereto at the intersection of streets and not less than twenty-five feet in width, and shall maintain the same in good conditon, and shall further keep the space between the tracks, including all switches and terminals, filled their entire length between street crossings with plank or some good ballasting material, by first filling with sand and then covering with either gravel, rock, shell or cinders, to a height level with the top of the rails, which filling shall be maintained in good order and condition.

SEC. 4. That this ordinance is passed and accepted by said company, subject to the ordinances now in force, or such as may be hereafter legally enacted, and said company shall be liable for the cost of any street improvements that may be made by said city between its track, switches and terminals, and to the distance of one foot outside of the rails thereof.

SEC. 5. Any failure on the part of said company, its successors or assigns, to comply with the terms and conditions hereinbefore set forth, shall work a forfeiture of the rights and privileges hereby granted, without further action upon the part of the city.

[Approved October 16, 1900.

CHAPTER XXIX.

GRANT TO THE GALVESTON, HOUSTON AND NORTHERN RAILWAY.

SECTION 1. That there is hereby granted to the Galveston, Houston and Northern Railway Company, its successors or assigns, the right of way for a single or double steam railroad track with all necessary and convenient switches, turn-outs, sidings and side-tracks, together with the right, privilege, franchise and license of constructing, maintaining and operating a steam railroad thereon, upon, over and along the following streets and alleys of the City of Galveston: Beginning at any point in Thirty-first street between the north line of Avenue F and the south line of Avenue E, thence in a southerly direction along Thirty-first street, crossing Avenues F, G and H and all intervening alleys to the north line of Avenue I, together with the right to connect with the track or tracks of the Galveston, Houston and Northern Railway Company at any point on Thirty-first street between the north line of Avenue F and the south line of Avenue E.

SEC. 2. The grant hereby made is made with the express stipulation and agreement that the said Galveston, Houston and Northern Railway Company, by the acceptance of the same, agrees and undertakes to hold the City of Galveston harmless and indemnify it against all suits of whatever nature, costs, damages, claims and expenses that may arise or accrue out of the occupation and use by said Railway Company of the rights of way and franchises hereby granted.

[Approved February 21, 1901.

CHAPTER XXX.

CONTRACT WITH THE GALVESTON CITY RAILROAD COMPANY.

1. The said B. Rush Plumly and associates shall build, equip and open for travel, within twelve months next following the date of this contract, a railroad from the north side to the south side of said city. Said road shall be a single track, on Twenty-first street, called Center street, to extend from the south side of Strand (on Twenty-first street) to Avenue P or Q, or to a feasible point on said Twenty-first

street toward the gulf. Said road shall be built with such turn-outs, turn-tables, side-tracks and switches as said party may deem essential for safe and easy travel, back and forth; that is, from south to north, and from north to south, on said road at the same time.

II. Said party shall fill or bridge the bayou, to the width of their railroad, and they shall construct proper culverts on said bayou, under their rail tracks, for the passage of water.

III. If it shall be found impracticable to construct said road on Twenty-first street, called Center street, immediately, the said party may lay a similar track upon any one of the streets running north and south, hereinafter named, reserving the right to lay the track on Twenty-first street as soon as practicable; provided, that no track shall run down either the east or west side of the market house.

IV. Said party shall also construct, equip and open for travel within fifteen months next following the date of this contract, railroads running east and west on the streets of Galveston; said roads shall be single track on Market street, beginning at any point from the eastern limits of the city to Tenth street and running to Thirty-first street, or to Forty-first street, the western limits of the city; also a single track on Church sreet parallel with the track on Market street, said roads to be connected by the necessary short tracks on the streets running north and south where said east and west tracks may terminate. Said roads shall be constructed with such side tracks, turn-outs, switches and turn-tables as said party may deem essential to run cars both ways, on each of the said streets, at the same time, with ease and safety to the public.

V. Said party shall have power and authority, at any time hereafter, by virtue of this contract, to construct and conduct a double track upon Broadway, and a double track upon Bath avenue, and single tracks upon Seventeenth street, upon Twentieth street, upon Twenty-ninth street; upon Mechanic street, upon avenue H, and a single track on the beach, on the gulf side. All of said tracks or any of them, may extend along said streets and on the beach, east and west and north and south to the corporation limits, each way, except that no one

of said tracks shall cross the Strand or run thereon, nor run upon Tremont street. All or any of said tracks may be connected by the necessary short tracks, switches, turn-outs, side-tracks and turn-tables, to make all tracks under this grant continuous and united.

VI. Provided, that said party shall not lay side-tracks, switches or turn-outs upon the intersection of streets, and shall only build such turn-tables upon the intersection of streets, and at or near the terminus of tracks, as may be essential to shift the cars from track to track, and to turn or reverse the cars; and provided also, that said roads shall be connected on the strand or upon Tremont (23d) street; and provided further, that said party, or the company to be formed, shall not lay any track (except to make connections) upon any other avenue or street of this city, than those herein named, without having first obtained the right to do so by the mayor and aldermen of the City of Galveston.

VII. Said party shall at all times have the right of way for their cars upon said railroad tracks, without unnecessary delay or interruption by vehicles or any obstruction, and said party shall be protected in said right of way by proper municipal regulations.

VIII. Said party shall have power and authority to fix proper standing places for the cars for changing horses, and reasonable time shall be allowed for the same, and for taking up and putting down passengers.

IX. Said party shall have the right to run construction cars on all their tracks; to transport earth, sand, shells and such other light freight as may accommodate the public. A reasonable time shall be allowed to receive and discharge the freight, and said party may charge and collect pay for transporting the same.

X. The speed of travel on said railroads shall not exceed seven miles per hour.

XI. No track shall be laid on 23d (Called Tremont) street, except to cross the same.

XII. No track shall be laid upon the Strand.

XIII. Said party shall lay such a rail, and shall so construct the railroads that they shall not impede carriage travel

upon the streets occupied by said tracks, after said streets have been graded by the city.

XV. Said party shall preserve the public cisterns crossed by the railroad tracks, and they shall so adjust the tracks and the cisterns that the water in said cisterns may be easily obtained in case of fire.

XVI. Said party shall construct and keep in good repair all cross-culverts, whenever the same may be required under the rail tracks; said culverts to extend across the street from sidewalk to sidewalk; and whenever said party shall neglect to construct and keep in order said culverts, the city shall have the right to cause said culverts to be made, or repaired, at the expense of said party; and in the event of their refusal to pay the same, the amount shall be recovered before any court of competent jurisdiction, for the benefit of the city.

All cars that may run on said road between sunset and daybreak shall be provided with good and ample head and rear lights, placed in conspicuous positions outside the car.

For the violation of this clause or of any ordinance now existing, or that may hereafter be enacted, on the part of any officer or employe of said roads, said party shall be liable to a fine of ten dollars, besides all damages arising therefrom.

XVII. Said party shall provide separate cars for negroes and colored people, or they shall make suitable divisions in cars for that portion of the population.

XVIII. The fare on said cars shall not exceed ten cents, from station to station, on the respective tracks, for each adult person; children under twelve (12) years old half price. Tickets for passage may be issued and disposed of by said party, and said cars may be run on every day in the year.

XIX. The capital stock of said railroad shall not exceed $500,000, to be divided in shares of fifty dollars each; said party shall have the right to receive subscriptions for said stock, and dispose of the same upon such terms and in such a manner as said party may deem most certain to carry out and secure the object of this contract.

XX. Books for subscription to said stock shall be open by said party in the City of Galveston, and the citizens of Gal-

veston shall have the right to subscribe to three-fourths (3-4) of said capital stock, including the stock transferred to the city. Said books shall be kept open thirty days, unless said three-fourths of said stock shall be sooner subscribed by the citizens of Galveston.

The mayor of the City of Galveston shall have the authority to designate some one person to be present during the time specified in this contract, wherein books shall be opened in the City of Galveston for subscription, by the people thereof, to said stock, and the party so designated shall be authorized by the mayor to determine how many shares of said stock each applicant to subscribe shall be entitled to take, and said person so designated by the mayor shall see that the said stock is not absolutely monopolized by any one party, or person, or interest, but that said books shall be open equally and freely to all. Said party shall give security that any money or moneys received by said party, on account of this grant or franchise, shall be appropriated by said party to the specified purpose for which said money or moneys were received by said party.

XXI. Said party shall make over and transfer to the city of Galveston, in lieu of percentage on the net receipts of said roads, and in lieu of bonus for this contract, six hundred shares of the capital stock of said railroads, and six hundred shares of stock to be paid up by said party, or by the company to be formed under this contract and franchises, as assessments and said stock may be made and payment required by said party or company.

XXII. The mayor of the City of Galveston, or some one person designated by him, shall have his name placed continuously on the directorial ticket of said company, to represent the interests of the city in the said stock, and he shall be elected a director of said company at the election for directors.

XXIII. The subscribers to said capital stock, who shall have complied with the terms of this subscription, shall have power and authority, immediately after said stock to the amount of three-fourths shall have been so subscribed, to organize a grant or franchise, under this contract, into a stock

company with the capital stock not to exceed five hundred thousand dollars, in shares of fifty dollars each.

The affairs of said company shall be manged by a board of directors, in number not less than five nor more than seven, including the city director. Said directors shall be elected by the stock holders, from their number. One of said directors shall be the president of the board, to be elected by the directors.

A majority of the votable stock represented at any meeting of stockholders shall determine all questions relating to the election of officers, or to the general management of the company; but no stockholder shall vote in his own name, or as proxy for others, more than six hundred (600) shares of stock at any election of said company, or in the transaction of any business thereof.

XXIV. Said company shall be styled and shall be known as The Galveston City Railroad Company.

The place of business and the legal domicile of said company shall be located in the city of Galveston. Said company shall have the right and authority to conduct its own affairs under rules, regulations and by-laws framed by itself, the same not to be inconsistent with the laws of this State, the ordinances of city council and the conditions of this contract. Said company shall have power to assess its stock and collect its assessments, and to forfeit said stock, and to sell it at public sale or otherwise, if said assessments are not paid in proper time, and to suspend and discontinue said assessments; and to call in its stock; and to change or renew its certificates; and to declare unpaid dividends, and generally to manage its own affairs in agreement with the letter and spirit of this contract.

XXV. In the event that the said company shall allow itself to become encumbered by debt, to the jeopardy of the city's interest therein, then the city shall be regarded as having thereby a first lien on the franchise and the roads and fixtures and corporate property of said company, for the security of the interest of the city in said company, and the same shall be secured by the city, by proper process, immediately after the organization of said company.

XXVI. The said railroads, cars, fixtures and other appurtenances shall revert to the city, if the city shall so determine, at the expiration of said twenty years' privilege, on a valuation to be ascertained by two disinterested persons, one to be appointed by the company, the other by the city, and in case of disagreement as to said valuation between said persons thus appointed, a third party, or umpire, shall be appointed by one of the district courts, the decision thereby had to be final.

XXVII. Said party contracting, or the company succeeding to this franchise, shall annually pay into the city treasury, upon the assessed value of said roads and fixtures, the annual tax levied upon real estate, and the value of said roads and fixtures shall be assessed by the usual mode of assessment.

XXVIII. The right, or franchise, granted under this contract shall not be sold, transferred or conveyed to any other person, or persons, company or association, except as herein provided by the subscription to the capital stock of said grant, or franchise; any sale or transfer of this grant, or franchise, shall be a forfeiture of contract.

XXIX. In the event that said party, or the company to be organized under this contract, shall fail to build and open for travel the first two roads, one east and west, and one north and south, within the respective periods herein specified, then this contract shall be forfeited, unless time shall be extended by competent authority.

XXX. The adoption of this contract by the mayor and board of aldermen of the City of Galveston, shall be considered and regarded as conferring upon the said party, B. Rush Plumly and associates, and upon the Galveston City Railroad Company, whenever the same shall have been duly organized, all the rights, privileges and benefits herein enumerated, and as imposing upon said party, or company, all the obligations and penalties affixed.

[Adopted May 11, 1896.

AMENDMENT.

Resolved, That so much of section twenty-four of the contract of the Galveston City Railroad Company with the City of Galveston, made and entered into May 24, 1866, and which reads as follows: "No stockholders shall vote in his own

name, or as proxy for others, more than six hundred shares of stock at any election, or in the transaction of any business thereof," be and the same is, subject to the approval of the mayor of the City of Galveston, hereby revoked and annulled.

Resolved, that Mr. W. H. Sinclair be and he is hereby instructed to furnish to the mayor and city council a copy of these resolutions, and ask their assent to, and confirmation of the modification of the company's contract, as herein set forth.

[Passed June 20, 1881

CHAPTER XXXI.

GRANT TO THE PEOPLE'S RAILWAY COMPANY.

(Now Galveston City Railroad Company.)

SECTION 1. That the right, privilege and franchise of and for constructing, maintaining and operating street railways, with all such side-tracks, turn-outs, switches, turntables and other works and structures as may be necessary and suitable, in and upon the streets and avenues of said city, now open, or hereafter to be opened, are hereby granted to Leon Blum, B. Tiernan, W. H. Sellers, Charles M. Todd, Frank R. Dean, Seabrook W. Sydnor, Gus McKernon, and their associates, and to the "People's Railway Company" (when formed), and such other persons as they may associate with them, and to such body corporate as they may hereafter form under the name and style of "The People's Railway Company," in conformity with the general law of the State concerning private corporations, approved December 2, A. D. 1871; provided, however, that they shall not have the right to construct, maintain or operate such railways on either of the following-named streets or avenues, to-wit: Seventeenth street, Twentieth street, Twenty-first (or Centre) street, Twenty-third (or Tremont) street, Twenty-fifth street (or Bath avenue, Twenty-ninth street; Avenue B (or Strand street, Avenue C (or Mechanic street), Avenue D (or Market street), Avenue E (or Postoffice street), Avenue F (or Church street), Avenue H, and Broadway, except for the purpose of crossing the same.

SEC. 2. That the same rights, privileges and franchises are hereby granted for the term of fifty years, from and after

the passage of this ordinance, and upon the condition that said railways, side-tracks, turn-outs, switches, turn-tables and other works and structures shall be so constructed, maintained and operated as not to obstruct or hinder the free and convenient use of the streets or avenues by vehicles, or on foot, or otherwise; and shall be constructed, maintained and equipped as first-class railways; and upon the further conditions that if the said parties to whom said rights, privileges and franchises are hereby granted, shall fail to complete and put in running order within two years after the passage of this ordinance, the following lines of railway, to-wit: On Twenty-second street, from Avenue B (or Strand street) to Avenue L, and on Avenue G (or Winnie street) from Eighth street to Thirtieth street, then and in that case, the said city council shall have the right, and the same is hereby reserved, to revoke and annull all and singular, the rights, privileges and franchises hereby granted.

[Approved July 10, 1873. Amended March 3, 1875.

CHAPTER XXXII.

GRANT TO THE GALVESTON CITY RAILROAD COMPANY.

SECTION 1. That the right, privilege and franchise of constructing, maintaining and operating a street railway, with the necessary structures, are hereby granted to the Galveston City Railroad Company upon and along the following streets and avenues, viz.:

Thirty-third or Thirty-fifth street from Market street to the gulf; thence from the streets herein granted to and along Avenue P or Avenue P½, eastwardly to an intersection and connection with their tracks on Twenty-seventh and Twenty-fifth streets.

SEC. 2. That should said company fail or refuse to build, equip and maintain a system of street railroads on the streets named in the preceding section, within three months from the passage of this ordinance, then and in that event the grant of right of way on so much of said streets as are not built upon by said company, shall be forfeited without other action of the council; provided, that if at any time said company

shall abandon or cease to operate any portion of said railway after construction, the right of way on the portion abandoned shall be likewise forfeited.

SEC. 3. That in consideration of the grants herein made, the Galveston City Railroad Company shall surrender its right of way on Twenty-ninth street.

SEC. 4. Provided, the said Galveston City Railroad Company shall construct and maintain all crossings on a grade to accommodate wagon traffic as the city engineer may direct.

SEC. 5. The city shall not be responsible in anywise for any damages whatsoever growing out of, or incident to, the use of said streets by said company granted by this ordinance.

[Passed over Mayor's veto September 7, 1885

CHAPTER XXXIII.

GRANT TO THE GALVESTON CITY RAILROAD COMPANY.

SECTION 1. That the right, privilege and franchise of constructing, maintaining and operating a street railway, with the necessary switches, side-tracks and other suitable works and structures, are hereby granted to the Galveston City Railroad Company upon and along the following streets and avenues, viz.: Thirty-third street from Market street to the gulf; thence from Thirty-third street to and along Avenue P or Avenue P½ eastwardly to an intersection and connection with their tracks on Twenty-seventh and Twenty-fifth streets.

[Approved October 6, 1885.

CHAPTER XXXIV.

GRANT TO GALVESTON CITY RAILROAD COMPANY.

SECTION 1. That there is hereby granted to the Galveston City Railroad Company the right to construct, maintain and operate a street railway, together with the necessary switches, side-tracks and other suitable works and structures, along Fifteenth street, from Mechanic street to Avenue P; and thence along Avenue P to Twenty-first street.

Read first time at regular meeting March 15, 1886.

[Approved April 9, 1886.

CHAPTER XXXV.

GRANT TO THE GALVESTON CITY RAILROAD COMPANY.

SECTION 1. That there is hereby granted to the Galveston City Railroad Company, of the City of Galveston, the privilege of running and operating their street railway cars over all their lines now occupied or hereafter to be occupied by them in the City of Galveston, with electricity as a motive power, subject to the conditions and provisions hereinafter named.

SEC. 2. That for the purposes named in section one of this ordinance, the said company are hereby authorized to set its poles, pins, abutments, wires and other necessary fixtures along and across any of the streets of the city, subject to the regulations hereinafter provided.

SEC. 3. The poles used as herein provided, shall be of sound timber, not less than five inches in diameter at the upper end, reasonably straight, and of uniform size. All poles shall be thoroughly painted with two coats of lead and oil paint, of such colors as may be directed by the committee on streets and alleys, and be supplied with iron steps commencing twelve feet from the surface of the ground and reaching to the arms supporting the wires. Said wires shall be run at a height of not less than twenty-five feet above the grade of the street. Whenever the poles are erected on a street, they shall be placed, in all cases when practicable, on the outer edge of the sidewalk, just inside the curbstone, and on the line dividing the lots one from the other, and in no case to be so placed as to obstruct the drainage of the street, or to interfere with or damage in any way the curbstones or other public or private property on the line of the street or alley where such poles shall be erected. All work of excavating, refilling and restoring the pavement shall be done at the expense of the said Galveston City Railroad Company, under the supervision of the city engineer and to his entire satisfaction, and in all cases the pavement shall be restored as speedily as possible and to the same condition as it was before.

SEC. 4. The right is hereby reserved to the city, at any time, to direct any alteration in the location of poles or in the

height at which the wires shall be run, or in any case the said wires and poles shall at any time be deemed a nuisance or obstruction by the city council, to remove the same entirely.

SEC. 5. The said company shall at all times keep on deposit with the city treasurer the sum of not less than fifty dollars, subject to the order of the city engineer, to be used by him in restoring any sidewalk, gutter, street or pavement displaced or injured in the erection, alteration or removal of any pole of such company, whenever said company fails or refuses to make such restoration to the satisfaction of the committee on streets and alleys.

SEC. 6. The said company shall at all times permit the city to use and occupy the top cross arm of any pole erected, or to be erected, for fire, police or municipal telegraph purposes, free of charge.

SEC. 7. That the said company shall become solely responsible, and hold the city harmless against all damages growing out of the use of electricity as a motive power, under the provisons of this ordinance.

[Approved December 6, 1887.

CHAPTER XXXVI.

GRANT TO FRANCIS D. ALLAN AND ASSOCIATES.

SECTION 1. That the right, privilege and franchise of constructing, maintaining and operating a street railway, with all necessary switches, side-tracks and other suitable works and structures, are hereby granted to Francis D. Allan, L. M. Scott, H. Hubele, P. S. Wren, Ben Levy, J. Cotter, J. D. Sawyer, M. A. Davey, Louis Schmidt, J. W. Harris, C. D. Holmes, M. Schram, C. B. Miller, E. Neuman, R. W. Wolston, E. E. Seixas, J. N. Stowe, and their associates, upon and along the following route, to-wit: Commencing at Nineteenth street, through Postoffice street to Twenty-fourth street; from the south side of Strand street through Twenty-fourth street to Avenue H, through Avenue H to Twenty-eighth, through Twenty-eighth to Avenue M, through Avenue M to Twenty-ninth street, through Twenty-ninth street to Avenue O, through Avenue O to Forty-first street, through Forty-first

street to Avenue Q, through Avenue Q to Twenty-sixth street, through Twenty-sixth street to Avenue P½, through Avenue P½ to Nineteenth street, through Nineteenth street to Postoffice street, the place of beginning. That said Francis D. Allan and associates shall have the right to form and organize under the laws of the State of Texas, and subject to such regulations as the city may properly and legally prescribe, an incorporated company, which company or the grantees of this franchise, in consideration of this grant, shall pay to the City of Galveston two per cent. of the gross receipts of said company or association, such payment to be made semi-annually.

SEC. 2. That said rights, privileges and franchises are hereby granted for the term of fifty years from the passage of this ordinance, and upon the conditions that said Allan and associates shall commence the construction of said line of street railway on Twenty-fourth street within ninety days from the passage of this ordinance, and shall continue the construction of same through Twenty-fourth street to Avenue H, through Avenue H to Twenty-eighth street, through Twenty-eighth street to Avenue M, through Avenue M to Twenty-ninth street, through Twenty-ninth street to Avenue O, through Avenue O to Forty-first street, through Forty-first street to Avenue Q, through Avenue Q to Twenty-sixth street, and shall complete, equip and have the same in operation within twelve months from and after the passage of this ordinance, and shall complete, equip and have in operation the railroad on all the streets named herein within eighteen months from and after the passage of this ordinance; and upon further condition that the cars used and the tracks and other structures shall be so constructed, kept up and operated as not to obstruct or interfere with the convenient use of the streets by vehicles and those on foot, and shall afford ample accommodation for the safe travel of the public; provided, that the said Allan and associates, and any company to be hereinafter formed for the purpose of exercising the privilege herein granted, shall not consolidate the stock, property or franchises of such company or association, by sale, purchase, lease or otherwise, with any other street railroad company, or in any

way be controlled by or control such other company, save and except with the consent of the majority of the legal voters of the City of Galveston, at an election to be ordered by the city council, the said company to pay the expenses of said election.

SEC. 3. The grantees named and their successors shall at all times keep the roadbed of said railway in good repair and upon a level with the street, and when a street is raised or lowered the company or grantees shall raise or lower their track and roadbed to conform thereto, and shall at all times pay all expenses of filling, grading, lowering, paving, or otherwise changing, improving and maintaining the street between their tracks; and shall also construct and keep in good repair all cross culverts, wherever the same may be required by the city under their rail tracks, said culverts to extend across the streets from sidewalk to sidewalk, all of which work shall be done subject to the approval and under the direction of the committee on streets and alleys and city engineer, or other proper authority of said city; and whenever said grantees or their successors shall fail to construct and keep in order the culverts, tracks and roadbed, as required by this ordinance, the city shall have the right to cause them to be constructed or put in proper condition and repair at the expense of said grantees or their successors, and in the event of their refusal to pay the same, the city may sue for the amount and forfeit their franchise.

SEC. 4. The rate of fare shall not exceed five cents for the entire length of circuit of the road, or any part thereof, for each person over the age of ten years. Only half fare shall be collected from children over three and under ten years of age, and no charge shall be made for carriage of children under three years of age.

SEC. 5. The City of Galveston, through its proper officers, or any person appointed by it for that purpose, shall at all times have the right of access to and examination of the books, accounts and all records whatsoever of said grantees and their successors.

SEC. 6. A failure or refusal on the part of said grantees or their associates or successors to comply with any of the

foregoing conditions and requirements, shall be cause of forfeiture of the rights hereby conferred.

[Approved November 6, 1883.

CHAPTER XXXVII.

GRANT TO FRANCIS D. ALLAN AND ASSOCIATES.

SECTION 1. That the right, privilege and franchise of constructing, maintaining and operating a street railway, with all necessary switches, sidetracks, and other suitable works and structures, are hereby granted to Francis D. Allan, M. L. Scott, H. Hubele, P. S. Wren, Ben Levy, J. Cotter, J. D. Sawyer, M. A. Davey, Louis Schmidt, J. W. Harris, C. D. Holmes, M. Schram, C. B. Miller, E. Neuman, R. W. Wolston, E. E. Seixas, J. N. Stowe, and their associates, upon and along the following route, to-wit: Commencing at Twentieth street through Postoffice to Twenty-fourth street, from the south side of Strand street through Twenty-fourth street to Avenue R; provided, that it shall be at no cost to the city of Galveston in condemning for public use the private property of any citizen or citizens, from Twenty-fourth street out Avenue H to Twenty-ninth street, through Twenty-ninth street to Avenue O, through Avenue O to Forty-first street, through Forty-first street to Avenue Q, through Avenue Q to Twenty-sixth street, through Twenty-sixth street to Avenue R, through Avenue R to Twenty-fourth street from Avenue R to Q, out Q to Nineteenth street, on Nineteenth street to Avenue H, through Avenue H to Twentieth street, through Twentieth street to Postoffice street, the place of beginning, and through Church street, commencing at its eastern boundary, to Fortieth street, and through Fortieth street to Avenue Q: provided, that the city shall be at no expense in condemning private property for public use. That said Francis D. Allan and associates shall have the right to form and organize, under the laws of the State of Texas and subject to such regulations as the city may properly and legally prescribe, an incorporated company, which company, or the grantees of this franchise, in consideration of this grant, shall pay to the city of Galveston two and one-half (2½) per cent of the net receipts of said company or association, such payment to

be made semi-annually, and the books of the company shall always be open to the city council or its proper officers for inspection.

SEC. 2. That said rights, privileges and franchises are hereby granted for the term of fifty years from the passage of this ordinance, and upon the condition that said Allan and associates shall commence the construction of said line of street railway on Twenty-fourth street within ninety (90) days from the passage of this ordinance, and shall continue the construction of same through Twenty-fourth street to Avenue H, through Avenue H to Twenty-ninth street, through Twenty-ninth street to Avenue O, through Avenue O to Forty-first street, through Forty-first street to Avenue Q, through Avenue Q to Twenty-sixth street, and shall complete, equip and have the same in operation within twelve months from and after the passage of this ordinance, and shall complete, equip and have in operation the railroad on all streets named herein within eighteen months from and after the passage of this ordinance, save and except that portion of said railroad on Church street to Fortieth street and through Fortieth street to Avenue Q, which said portion shall be completed within two years from and after the passage of this ordinance; provided, that said company may, at any time, commence work at any point upon the herein mentioned route, and may remove any temporary obstructions in the street which may hinder the building of said road. The city of Galveston shall be held harmless in the event of any conflict of rights of way between this and any other street railway company. And upon the further consideration that the cars used and the tracks and other structures shall be so constructed, kept up and operated as not to obstruct or interfere with the convenient use of the streets by vehicles and those on foot, and shall afford ample accommodation for the safe travel of the public; provided, that the said Allan and associates, and any company to be hereafter formed for the purpose of exercising the privileges herein granted, shall not consolidate the stock, property or franchises of such company or association, by sale, purchase, lease or otherwise, with any other street railway company, or

in any way be controlled by or control such other company, save and except with the consent of the majority of the legal voters of the city of Galveston, at an election to be ordered by the city council, the said company to pay the expenses of said election.

SEC. 3. The grantees named and their successors shall at all times keep the roadbed of said railway in good repair and upon a level with the street, and when a street is raised or lowered the company grantees shall raise or lower their track and roadbed to conform thereto, and shall at all times pay all expenses of filling, grading, lowering, paving or otherwise changing, improving and maintaining the street between their tracks; and shall also construct and keep in good repair all cross culverts wherever the same may be required by the city council, under their rail track, said culverts to extend across the street from sidewalk to sidewalk, all of which work shall be done subject to the approval and under the direction of the committee on streets and alleys and city engineer, or other proper authority of said city; and whenever said grantees or their successors shall fail to construct and keep in order the culverts, tracks and roadbed as required by this ordinance, the city shall have the right to cause them to be constructed or put in proper condition and repair at the expense of said grantees or their successors, and in the event of their refusal to pay the same, the city may sue for the amount and forfeit this franchise.

[Approved March 5, 1884.

CHAPTER XXXVIII.

GRANT TO THE GULF CITY STREET RAILWAY AND REAL ESTATE COMPANY.

First. That permission be and is hereby given to the Gulf City Street Railway and Real Estate Company to continue its Twenty-ninth street line out Twenty-ninth street to the beach and to run a line from Avenue O out Thirty-ninth street to Avenue Q; provided, the grantees named and their successors shall at all times keep the roadbed of said railway in good repair and upon a level with the street, and when a street is raised or lowered, the company, or grantees, shall raise or lower their track and roadbed to conform thereto, and

shall at all times pay all expenses of filling, grading, lowering, paving or otherwise changing, improving and maintaining the street between their tracks and for thirty inches on each side of said tracks, on the outside thereof, and this shall apply to all lines of railway heretofore or hereafter constructed by said grantees.

[Passed over Mayor's veto, April 22, 1884.

CHAPTER XXXIX.

GRANT TO THE GULF CITY STREET RAILWAY AND REAL ESTATE COMPANY.

SECTION 1. That the right, privilege and franchise of construction, maintaining and operating a street railway, with all the necessary switches, side-tracks and other suitable works and structures, are hereby granted to the Gulf City Street Railway and Real Estate Company upon and along the following streets and avenues, viz: Avenues E, I and M from their eastern limit to Fortieth street, on Avenue O from Nineteenth street to Twenty-ninth street, on Twenty-eighth street from Avenue E to Avenue H, on Twenty-eighth street from Avenue O to the beach. From Avenue E on Thirty-first, Thirty-third and Thirty-fifth street to the beach, on Forty-first street from Avenue Q to the beach, and on Twelfth street from Avenue M to the bay shore.

SEC. 2. That this grant or concession is made in connection with and as additional to former grants of the city council of the city of Galveston to Francis D. Allan and associates by ordinances approved November 6th, 1883, and March 5th, 1884, subject to the same conditions as are expressed in said ordinances, and all privileges and rights of way heretofore granted by other ordinances and resolutions.

SEC. 3. That this ordinance take effect and be in force from and after its passage. If the company fails to keep the road in running order after the same has been in operation, it shall thereby forfeit, at the option of the city council, its right of way on that street or avenue.

[Passed August 4, 1884.

CHAPTER XL.

GRANT TO GULF CITY STREET RAILWAY AND REAL ESTATE COMPANY AND REVOKING GRANT TO GALVESTON CITY RAILWAY COMPANY, OR PEOPLE'S RAILWAY COMPANY.

SECTION 1. That right of way be and the same is hereby granted to the Gulf City Street Railway and Real Estate Company to construct and operate a line of street railway on Church street, from Twenty-fourth street west to Thirty-seventh street.

SEC. 2. That this grant shall be subject to the same conditions mentioned in former ordinances granting rights of way to said company.

SEC. 3. That the right of way heretofore granted to the Galveston City Railway Company, or People's Railway Company, on said street be, and the same is, hereby revoked.

SEC. 4. The Gulf City Railway and Real Estate Company, in consideration of this grant, shall surrender their right of way on Postoffice street, from Twenty-ninth street to Thirty-seventh street.

[Approved September 9, 1885.

CHAPTER XLa.

GRANT TO THE GULF CITY STREET RAILWAY AND REAL ESTATE COMPANY.

SECTION 1. That right of way be and the same is hereby granted to the Gulf City Street Railway and Real Estate Company to construct and operate a line of street railway on Church street from Twenty-fourth street west to Thirty-seventh street.

SEC. 2. That this grant shall be subject to the same conditions mentioned in former ordinances granting rights of way to said company.

SEC. 3. That the right of way heretofore granted to the Galveston City Railway Company, or People's Railway Company, on said street, be and the same is hereby revoked.

SEC. 4. The Gulf City Railway and Real Estate Company, in consideration of this grant, shall surrender their right of way on Postoffice street from Twenty-ninth street to Thirty-seventh street.

[Approved September 25, 1885.

CHAPTER XLI.

GRANT TO THE GULF CITY STREET RAILWAY AND REAL ESTATE COMPANY.

SECTION 1. That the right of way heretofore granted to the Gulf City Street Railway and Real Estate Company to construct, maintain and operate a street railway, with the necessary switches, sidetracks and other suitable works and structures on Avenue H, and on Twenty-ninth street, is hereby confirmed and ratified.

SEC. 2. That the right of way be and the same is hereby granted the said Gulf City Street Railway and Real Estate Company to construct, maintain and operate a street railway, with the necessary switches, side-tracks and other suitable works and structures, from Avenue H north on Twenty-ninth street to the bay, and on Avenue H west to Forty-first street.

SEC. 3. That the rights of way herein granted shall be subject to the same conditions mentioned in former ordinances granting rights of way to said company.

SEC. 4. That the right of way heretofore granted to the Galveston City Railway Company, or People's Railway Company, over the streets herein mentioned, be and the same is hereby revoked.

SEC. 5. That in consideration of the grants herein made, the Gulf City Street Railway and Real Estate Company shall surrender its right of way on Thirty-third street and Avenue P and P½.

[Approved October 6, 1885.

CHAPTER XLII.

GRANT TO THE GULF CITY STREET RAILWAY AND REAL ESTATE COMPANY.

SECTION 1. That the right, privilege and franchise of constructing a street railway, with all necessary switches and side-tracks, are hereby granted to the Gulf City Street Railway and Real Estate Company upon and along Avenue H, from Twenty-fourth street to Seventh street, in the city of Galveston; provided, that this grant may be forfeited by the city of Galveston upon so much of said right of way as shall not be completed by June 1, 1886.

SEC. 2. That this grant is made in connection with and as additional to former grants of the city council of the city

of Galveston to Francis D. Allan and associates, by ordinances approved November 6, 1883, and March 5, 1884, and subject to all the conditions as are expressed in said ordinances.

[Approved April 22, 1886.

CHAPTER XLIII.

GRANT TO THE GULF, COLORADO AND SANTA FE RAILWAY COMPANY.

SECTION 1. That there is hereby granted to the Gulf, Colorado and Santa Fe Railway Company the right of way for their railway tracks for said company and for maintaining and operating a steam railway thereon, with the necessary sidetracks and switches, in the city of Galveston, as follows: Upon and along Avenue A from the western limits of the city of Galveston to the eastern limits of said city; also the right to build and extend their railways and tracks from Avenue B to Avenue A, and at any point or points between the western limits of the city and Twenty-ninth street; also the right to lay its tracks upon and across all streets east of Twentieth street and north of Avenue A to the channel in the harbor; also the right to cross all streets and alleys and the intersections thereof upon the lines and ways above specified.

SEC. 2. The grant herein made shall extend only to so much of the streets and alleys as the city of Galveston has the right to grant to railroads under the laws of the State.

SEC. 3. The grant herein made shall not include any right to enter upon any private property without the consent of the owner thereof, or a legal condemnation of the same in accordance with the laws of the State.

SEC. 4. The rights, duties and obligations of said railroad companies over the right of way herein granted shall be governed by the general laws of the State, when not otherwise provided in this ordinance.

SEC. 5. The right to regulate the grade of said tracks and crossings over the same at streets and alleys, for sanitary, police or other municipal or economic purposes, over the right of way herein granted, is specially reserved to the city of Galveston, and in constructing and maintaining said tracks,

said company shall, as far as practicable, restore the streets to the condition in which they now are, and shall at all intersections of streets, where the streets are now filled, or may be hereafter filled, erect and maintain suitable and sufficient crossings over said tracks.

SEC. 6. That said railway company undertakes to hold the city of Galveston harmless, and indemnify it against all suits, costs, expenses and damages that may arise or grow out of this grant, or by reason of its occupation and use of the right of way herein granted.

SEC. 7. That said railway company shall permit switches and connections to be made with their railway tracks by all wharf owners and operators, upon the same or equal terms, without discrimination.

SEC. 8. That the said railway company shall commence their railway tracks along Avenue A within one year, and complete the same as soon thereafter as practicable, unless prevented by suit or process of law, in which latter event the delay occasioned shall not be estimated or counted against said company.

SEC. 9. That in the event said railway company shall proceed to construct, maintain and operate a railway over the right of way herein granted, then any other railway company desiring to participate in the ownership and operation of the same, may do so by paying an equal pro rata of the cost of said railroad over said right of way; and in case said railway companies can not agree upon the cost of said railroad, or upon terms satisfactory among themselves, then the same shall be determined by a board of arbitration, consisting of one arbitrator to be appointed by the city council of the city of Galveston, and one arbitrator to be appointed by the railway company or companies owning or operating the same, and in case of the disagreement of said arbitrators, they shall appoint an umpire to decide the matter. And should the said railway company or companies refuse to appoint an arbitrator when applied to, then in that case the city council shall appoint two arbitrators, who shall proceed to determine the matter as hereinbefore provided. It is the object of this section to make a general railroad over the right of way

herein granted to the end that all railway companies that may now or hereafter terminate in Galveston, so desiring, may acquire equal rights in the ownership and operation of said railroad.

[Approved February 21, 1888.

CHAPTER XLIV.

GRANT TO THE GULF, COLORARO AND SANTA FE RAILROAD COMPANY AND THE GALVESTON, HOUSTON AND HENDERSON RAILROAD COMPANY.

SECTION 1. That the right of way upon Postoffice street (or Avenue E) from Thirty-seventh street east to Twenty-ninth street, and across all intervening streets, for the purpose of constructing, maintaining and operating a steam railway, with all necessary and proper sidings, is hereby granted to the Gulf, Colorado and Santa Fe Railway and the Galveston, Houston and Henderson Railroad Company.

SEC. 2. The rights and privileges aforesaid are granted to said companies upon the condition that the construction of said railway upon said street shall be commenced within thirty days, and shall be completed within ninety days from the passage of this ordinance; provided, the contemplated sidings may be made at any time during the existence of this grant; and upon the further condition that said companies shall fill Postoffice street and its intersections, over which the right of way is hereby granted, to grade satisfactory to the city council; shall build and maintain culverts on Thirty-third and Thirty-fifth streets intersections, substantially, and to conform to those now crossing Market street, and maintain said culverts in good order; shall keep the street used in good order, and shall so construct the tracks and sidings that the ties shall be bedded in and the tracks planked between the rails level with the top of rail, and plank shall be placed outside of the rails flush to top of rail on each side of the entire length of track; and construct and keep in repair all necessary culverts and sluices along said track as the natural lay of the land may require for the necessary drainage thereof; and construct and maintain all crossings on a grade to accommodate wagon traffic, as the city engineer may direct. And if said companies fail to perform said conditions, they

may be required to do so by order of the city council, and if they still fail so to do after thirty days' notice of such order, then all rights and privileges hereby granted are revoked, and said companies shall remove said track at once.

SEC. 3. The city shall not be responsible in any wise for any damages whatsoever growing out of, or incident to, the use of said street or intersections by said companies granted by this ordinance.

SEC. 4. At any time after the expiration of ten years from and after the passage of this ordinance, the city council may revoke the rights and privileges hereby granted by giving two (2) years' notice thereof to the said companies; and in such event the said rights and privileges shall cease and terminate two years after the service of the notice.

[Passed over Mayor's veto, September 7, 1885.

CHAPTER XLV.

GRANT TO THE GULF, COLORADO AND SANTA FE RAILWAY COMPANY.

SECTION 1. That the right of way upon Strand street (or Avenue B) from Twenty-ninth street east to Twenty-seventh street, and across the intervening streets, for the purpose of constructing, maintaining and operating a steam railway with all necessary and proper sidings, is hereby granted to the Gulf, Colorado and Santa Fe Railway Company.

SEC. 2. The rights and privileges aforesaid are granted to said company upon the condition that the construction of said railway shall be commenced within thirty (30) days and shall be completed within ninety (90) days after the passage of this ordinance; provided, the contemplated sidings may be made at any time during the existence of this grant. And upon the further condition that the track shall be laid upon the south side of said street, on a line parallel to track now laid on said street between Thirtieth and Twenty-ninth streets, and that the said company shall fill Strand street and its intersections over which the right of way is hereby granted, to grade satisfactory to the city council; and build and maintain culverts on Twenty-eighth street substantially, to conform to those now in use, and maintain said culverts in good

order; shall keep the street used in good order, and shall so construct the track and sidings that the ties shall be bedded in and the tracks planked between the rails level with top of the rail, and plank shall be placed outside of the rails flush to top of rail on each side of the entire length of track; and shall construct and keep in repair all necessary culverts and sluices along said track as the natural lay of the land may require for the necessary drainage thereof; and construct and maintain all crossings on a grade to accommodate wagon traffic as the city engineer may direct. And if said company shall fail to perform said conditions, it may be required to do so by order of the city council, and if it still fails to perform said conditions thirty (30) days after notice of such order, then all rights and privileges hereby granted are revoked, and said company shall remove such track at once.

SEC. 3. The city shall not be responsible in anywise for any damages whatsoever growing out of or incident to the use of said street and intersections by said company granted by this ordinance.

SEC. 4. At any time after the expiration of ten (10) years from the passage of this ordinance the city council may revoke the rights and privileges hereby granted by giving two (2) years' notice thereof to said company, and in such event the said rights and privileges shall cease and terminate two (2) years after the service of the notice.

[Passed August 17, 1885.

CHAPTER XLVI.

GRANT TO THE GULF, COLORADO AND SANTA FE RAILWAY COMPANY.

SECTION 1. That the right of way on Postoffice street or Avenue E, from Forty-fifth street east to Thirty-seventh street, is hereby granted to the Gulf, Colorado and Santa Fe Railway.

CHAPTER XLVII.

GRANT TO THE GULF, COLORADO AND SANTA FE RAILWAY COMPANY AND THE GALVESTON, HOUSTON AND HENDERSON RAILROAD COMPANY.

Whereas, the ground for the extension or opening of streets between Thirty-seventh and Forty-fifth streets, from Avenue

E to Avenue B, and the ground for the extension or opening of Avenues C and D, from Thirty-seventh street to Forty-fifth street, within the present limits of the city, has never been needed, opened, used or occupied for public streets, and has been a long time occupied by the Galveston, Houston and Henderson Railroad Company, for necessary railway purposes, and for terminal facilities for their own and the public convenience, without detriment to any private right or interest; therefore,

SECTION 1. Be it ordained by the city council of the city of Galveston, that the ground for the extension or opening of streets between Thirty-seventh street and Forty-fifth street, from Avenue E to Avenue B, and the ground for the extension or opening of Avenues C and D, from Thirty-seventh to Forty-fifth street, shall not be opened or occupied as public streets or avenues so long as the same shall continue in the actual occupancy and use of the Galveston, Houston and Henderson Railroad Company and the Gulf, Colorado and Santa Fe Railway Company, as at present occupied by each respectively, exclusively for railroad purposes and terminal facilities or by their successors or assigns.

WAIVER.

To the Honorable Mayor and City Council of Galveston:

To meet any objection that may be raised by your honorable body to the ordinance as passed at your last meeting, authorizing the closing of streets from Thirty-seventh to Forty-fifth, between Strand (Avenue B) and Postoffice (Avenue E), and now occupied by the Galveston, Houston and Henderson Railroad Company and the Gulf, Colorado and Santa Fe Railway Company for depot grounds, machine shops, car shops, etc., we respectfully state, as representatives of said railway companies, that we waive all claims of title to said street by possession, limitation or otherwise.

Very respectfully,

W. H. HARDING,
Prest. G. H. & H. R. R.
GEO. SEALY,
Prest. G., C. & S. F. R'y.

Galveston, September 18, 1882.

CHAPTER XLVIII.

GRANT TO THE GULF, COLORADO AND SANTA FE RAILWAY COMPANY.

SECTION 1. That the right of way be and is hereby granted to the Gulf, Colorado and Santa Fe Railway Company on Strand, in said city of Galveston, from Twenty-ninth street to Sixtieth street, with right to construct, operate and maintain upon that portion of said street its railway tracks, switches and side-tracks.

SEC. 2. This ordinance is granted with the express understanding and agreement that the Gulf, Colorado and Santa Fe Railway Company shall hold the city harmless against any damages or costs which may be sustained by reason of the passage of this ordinance.

SEC. 3. At any time after the expiration of ten (10) years from the passage of this ordinance the city council may revoke the rights and privileges hereby granted by giving two (2) years' notice thereof to said company; and in such event the said rights and privileges shall cease and terminate two (2) years after the service of the said notice.

[Approved February 7, 1891.

CHAPTER XLIX.

GRANT TO THE GALVESTON JETTY RAILWAY COMPANY.

SECTION 1. That the right to construct, maintain, own, operate and use, for a period of fifty years, a railroad with such side-tracks, turn-outs and switches as may be necessary, be and the same is hereby granted to the Galveston Jetty Railroad Company from the intersection of Tenth street and Avenue A, in the city of Galveston, to the east end of Galveston island, and thence into the Gulf of Mexico as far as the jurisdiction of this city may extend.

SEC. 2. That the right of way is hereby granted over, along and across any of the streets, alleys or other property owned or controlled by the city of Galveston, lying north and east of Tenth street, upon the line indicated upon the map hereto attached and made part of this ordinance.

SEC. 3. This ordinance is granted with the express understanding and agreement that the Galveston Jetty Railroad

Company shall hold the city harmless against any damage or cost it may sustain by reason of the passage of this ordinance.

[Approved February 23, 1888.

CHAPTER XLIXa.

GRANT TO THE GALVESTON JETTY RAILWAY COMPANY.

SECTION 1. That the right to construct, maintain, own, operate and use, for a period of fifty years, a railroad along Avenue A, be and the same is hereby granted to the Galveston Jetty Railway Company from the intersection of Tenth street and Avenue A, in the city of Galveston, westwardly along said avenue to Fifty-sixth street.

SEC. 2. This ordinance is granted with the express understanding and agreement that the Galveston Jetty Railway Company shall hold the city harmless against any damage or cost it may sustain by reason of the passage of this ordinance.

SEC. 3. That in the event said railway company shall proceed to construct, maintain and operate a railroad over the right of way herein granted, then any other railroad desiring to participate in the ownership and operation of the same, may do so by paying an equal pro rata of the cost of said railroad over said right of way; and in case said railroads can not agree upon the cost of said railroad, or upon terms satisfactory among themselves, then the same shall be determined by a board of arbitration consisting of one arbitrator to be appointed by the city council of the city of Galveston, and one arbitrator to be appointed by the railroad company or companies owning and operating the same, and in case of the disagreement of said arbitrators they shall appoint an umpire to decide the matter. And should the said railway company or companies refuse to appoint an arbitrator when applied to, then, in that case, the city council shall appoint two arbitrators who shall proceed to determine the matter as hereinafter provided. It is the object of this section to make a general railroad over the right of way herein granted, to the end that all railway companies that may now

or hereafter terminate in Galveston, so desiring, may acquire equal rights in the ownership and operation of said railroad.

[Approved February 23, 1888.

CHAPTER L.

GRANTING THE RIGHT OF WAY ON AVENUE A TO THE GALVESTON, BRAZOS AND COLORADO NARROW GAUGE RAILWAY COMPANY.

SECTION 1. That the right and privilege for constructing and operating a line of railway from its present terminus on Ninth street, is hereby granted to the Galveston, Brazos and Colorado Narrow Gauge Railway Company, for connection with the railroads and wharves in the city of Galveston on Avenue A.

SEC. 2. That the said railway shall be so constructed, caintained and operated as not to obstruct or hinder the free and convenient use of Avenue A.

CHAPTER LI.

TO GRANT THE RIGHT OF WAY THROUGH THE CITY OF GALVESTON TO THE TEXAS AND MEXICAN RAILWAY COMPANY.

SECTION 1. That the right of way into, through and around the city of Galveston, upon and across the lines, streets, alleys and intersections thereof hereinafter mentioned, for the purpose of laying, maintaining and operating a steam railway, with all necessary and proper sidings, switches and turnouts, is hereby granted unto the Texas Mexican Railway Company. That is to say: Beginning at or near the intersection of Avenue Y and Fifty-seventh street, thence on a line parallel with the Gulf of Mexico, and at a distance therefrom of not more than two hundred yards from the mean low tide, to Fourth street; or, beginning at the intersection of Avenue N and Fifty-seventh street, thence on said Avenue N to Fourth street; the said railway company having the privilege of either of said routes, but not both of them.

SEC. 2. Said company shall also have the right of way, as aforesaid, and the same is hereby granted, to lay, construct, maintain and operate such railway, with all necessary sidings, switches and turnouts, upon Ninth street from Avenue N to

Avenue A, and upon Avenue A to connect with all wharves and railroads upon or connecting with said Avenue A.

SEC. 3. Said company shall also have the right of way, as aforesaid, and the same is hereby granted, upon Seventh street or Eighth street, whichever it shall elect, but not upon both of them, from Avenue N to Avenue A, and upon Avenue A to connect with track of said company at the intersection of Avenue A and Ninth street; also the right of way aforesaid on Thirty-seventh street, from track of said company upon or south of Avenue N, as the case may be, to Galveston bay.

SEC. 4. Said company shall also have the right of way, as aforesaid, and the same is hereby granted, from Fifty-seventh street to the west side of Bath avenue, and upon either Avenue E, or Avenue F, or Avenue G, whichever may be selected by said company, but shall not have such right of way upon more than one of them.

SEC. 5. The rights and privileges aforesaid are granted to said company upon condition that within two years after the passage of this ordinance, it shall construct, complete, equip, and have in running order, and shall thereafter continuously maintain and operate a first-class narrow gauge railroad from the city of Galveston to the town of Laredo, upon the Rio Grande river; and if said railway shall not be so constructed, completed, equipped, and in running order within said two years, or if thereafter said company, or its successors, shall, for a period of six months, fail to operate and maintain said railway in the customary and usual manner, then said rights and privileges shall immediately cease and determine.

CHAPTER LII.

GRANT TO THE GALVESTON AND WESTERN RAILROAD COMPANY.

SECTION 1. That the rights of way heretofore granted in the city of Galveston to the Galveston, Brazos and Colorado Narrow Gauge Railway Company and to the Texas Mexican Railway Company, on Ninth street, from Avenue A to Avenue N; thence along Avenue N to Thirty-seventh street; thence along Thirty-seventh street to Avenue T; thence westwardly

along Avenue T to Fifty-fifth street, with the right to curve south and west at any point west of Fiftieth street, be and the same are hereby confirmed. The right to construct, maintain, own and operate a railroad with either broad or narrow gauge tracks, or both, and with such sidetracks, turnouts and switches as may be necessary, be and the same are hereby granted to the Galveston and Western Railway Company, as the successor of said railway companies, over and along the above mentioned streets, and on Avenue N west from Thirty-sixth street, with the right to curve northwardly from Avenue N, at any point west of Fortieth street, into Forty-third street, or at any street west of and parallel to Forty-third street that said railway company may select and occupy; thence northwardly down the street selected, with the right to connect with tracks of the Galveston, Houston and Henderson Railway, and the Gulf, Colorado and Santa Fe Railway, at any point west of Forty-third street. That the said railway company shall construct, operate and maintain its railway on the streets over which the right of way is hereby confirmed and granted within one year from the date hereof, otherwise the rights herein granted shall be forfeited.

SEC. 2. The right is hereby granted to said railway company to curve from Ninth street into Avenue N; from Avenue N into Thirty-seventh street, and from Thirty-seventh street into Avenue T, upon any degree of curvature not less than three degrees, which said railway company may determine upon, with the right to come into Avenue A and connect with any or all railroads now, or that may hereafter be constructed on that street, with the further right to curve into and construct, maintain, own and operate its railroad on Post-office street or on Church street, from Forty-third street westwardly to the western limit of the city. The said railway company shall construct their railway over Church or Post-office street, as in this section granted, within one year from date hereof, otherwise the right to build on said streets shall be forfeited.

SEC. 3. There is also hereby granted to said Galveston and Western Railway Company the right to construct, own,

operate and maintain a railroad over and along Avenue N from Thirty-seventh street to the western limits of the city, with the right to curve southwardly from Avenue N into and thence along any street west of Fortieth street; thence westwardly into and thence along any avenue to the western limits of the city; with the right also to curve southwardly from the avenue selected into and thence along any street west of Forty-third street, thence to a connection with its present line.

SEC. 4. The grant herein made shall extend only to so much of the streets and alleys as the city of Galveston has the right to grant to railroads under the laws of the State.

SEC. 5. The grant herein made shall not include any right to enter upon any private property without the consent of the owner thereof, or a legal condemnation of the same in accordance with the laws of the State.

SEC. 6. The rights, duties and obligations of said railway company over the right of way herein granted shall be governed by the general laws of the State, when not otherwise provided by the ordinances of the city.

SEC. 7. The right to regulate the grade of said tracks and crossings over the same at streets and alleys, for sanitary, police or other municipal or economic purposes, over the right of way herein granted, is specially reserved to the city of Galveston and in constructing and maintaining said tracks, said company shall conform to and be governed by the ordinances of the city, restore the streets to the condition required by the same, and shall at all intersections of streets, where the streets are now used, or may be hereafter used, erect and maintain suitable and sufficient crossings over said tracks.

SEC. 8. That in the event said railway company shall proceed to construct, maintain and operate a railway over the right of way herein granted, then any other railway company desiring to participate in the ownership and operation of same may do so by paying an equal pro rata of the cost of said railroad over said right of way; and in case said railway companies can not agree upon the cost of said railroad, or upon terms satisfactory among themselves, then the same

shall be determined by a board of arbitration, consisting of one arbitrator to be appointed by the City of Galveston, and one arbitrator to be appointed by the railway company or companies owning or operating the same; and, in case of disagreement of said arbitrators, they shall appoint an umpire to decide the matter; and should the said railway company or companies refuse to appoint an arbitrator when applied to, then, in that case, the city council shall proceed to appoint two arbitrators, who shall proceed to determine the matter as hereinbefore provided. It is the object of this section to make a general railroad over the right of way herein granted, to the end that all railway companies that may, now or hereafter, terminate in Galveston, so desiring, may acquire equal rights in the ownership and operation of said railroad.

SEC. 9. That said railway company undertakes to hold the city of Galveston harmless, and indemnify it against all suits, costs expenses and damages that may arise or grow out of this grant, or by reason of its occupation and use of the right of way herein granted.

SEC. 10. That all the privileges, rights, grants, etc., under this ordinance, shall be forfeited, if the said railway company fails to extend and build their road across the bay within five years from the passage of this ordinance.

[Approved March 8, 1889.

CHAPTER LIII.

GAS—GRANT TO ALFRED F. JAMES AND HIS ASSOCIATES AND SUCCESSORS.

SECTION 1. Alfred F. James and Ephraim McLean, and such persons as they may hereafter associate with them, their successors and assigns, be and are hereby authorized to use the streets, lanes, alleys and public grounds of the city of Galveston, for the term of twenty-five years, for the purpose of laying down, in the streets, lanes, alleys and public grounds, pipe for conveyance of gas in and through said city, for the use of said city and its inhabitants; provided, said gas pipes shall not interfere with the drainage of the city by the necessary construction of sewers or other underground fixtures for the conveyance of water within said city. Nor

shall the inhabitants thereof be liable for damages for the necessary disturbance of said pipe on account of any improvements in the drainage of the streets, lanes, alleys or public grounds of said city, or in the construction of any public work.

SEC. 2. Whenever the said Alfred F. James and Ephraim McLean, and their associates, successors and assigns, shall at any time propose to open any street, lane, alley or public ground for the purpose of laying down gas pipe, they shall give the city surveyor, or the mayor of said city if there be no surveyor, three days' notice thereof, and shall not, during the progress of the work, unnecessarily obstruct the passage of said streets, etc. And, further, they shall, within a reasonable time, repair such parts of any street, lane or alley, as they may have broken up for such purpose, in such manner as shall be acceptable to the proper corporate authorities of said city.

SEC. 3. In consideration of the privileges granted to Alfred F. James and Ephraim McLean, their associates, successors and assigns, they shall furnish to the said city, if required, upon the streets, lanes and public grounds, in or through which the leading or main pipes shall be laid for the purpose of supplying the citizens with gas, such quantity of gas as may be required by the city council for public lamps, at a price not exceeding that charged to private individuals by this or any other company hereafter to be established, which gas, whenever required by said city, said corporate authorities shall take from said Alfred F. James and Ephraim McLean, their associates, successors and assigns, the lamp posts, meters and lamps being furnished at the expense of the city.

SEC. 4. Said Alfred F. James and Ephraim McLean, their associates, successors and assigns, shall be and are hereby authorized to charge the inhabitants of said city for the gas furnished by them, not exceeding seven dollars for every one thousand feet.

SEC. 5. Temporary failure on the part of said Alfred F. James and Ephraim McLean, their associates, successors and assigns, to perform any of the conditions exacted of them,

when such failures are occasioned by accident or otherwise untoward events, shall not work a forfeiture of their privilege, provided that such accidents or events be remedied or repaired within a reasonable time.

SEC. 6. That the mayor be authorized and required to enter into a written contract on the part of the corporation of the city of Galveston, with the parties before mentioned, under and in accordance with the provisions hereof, and for the purpose of carrying out the provisions of the same; and the contract to be entered into by virtue thereof shall be considered as applying to said parties, and such other persons as they may from time to time associate with them, their successors and assigns; and in case said persons shall procure an act of incorporation from the legislature of the State of Texas, in relation to the purposes herein contemplated, then this ordinance and the contract herein contemplated shall be applicable to and considered as if made with such corporate body.

SEC. 7. Any person, corporation or association of persons, having been thereto specially authorized by ordinances of the city council, that has heretofore erected and established, or that may hereafter erect and establish, gas works to light the dwellings and buildings of the inhabitants of said city with gas, be and are hereby authorized to use the streets, sidewalks, alleys and public grounds of said city for the purpose of laying down beneath the surface thereof pipe for the conveyance of gas in and through the said city, for the use of said city and its inhabitants; provided, that gas pipes shall not be laid or placed so as to interfere with the drainage of said city, by the necessary construction of sewers or other underground fixtures as receptacles of water, or for the conveyance of water within said city. Nor shall said city, or the inhabitants thereof, be liable in damages for the necessary disturbance of said gas pipe, by reason of any improvement in the drainage of said streets, sidewalks, alleys or public grounds; provided further, that any person, corporation or association of persons so using said streets, sidewalks, alleys or public grounds shall not obstruct the passage thereof, while preparing for and laying down said pipe, and shall not break

nor open any such street, sidewalk, alley or public ground to any greater extent than may be necessary to lay down the pipe already on the ground where the same is to be laid, and shall immediately proceed to repair said street, sidewalk, alley or public ground, and fill up any excavation so made therein, to the satisfaction of the city engineer of said city. It shall not be lawful for any person, corporation or association of persons, under any pretext whatever, to erect and establish, or to attempt to erect and establish, gas works of any kind whatever within said city, unless the erection and establishment thereof shall have been specially authorized by ordinance, as aforesaid. Any person or persons, corporation or association of persons, violating or failing to comply with any of the provisions of this section, and any and all persons who shall aid and assist in such violation, shall, on due conviction thereof, be fined in a sum of not less than five (5) nor more than fifty (50) dollars, and if said fine be not paid, shall be imprisoned for a period of not less than five nor more than thirty days.

Sec. 8. Whenever any such persons, corporation or association of persons, having been authorized by ordinance to erect and establish gas works, shall propose to open any street, sidewalk, alley or public ground for the purpose of laying down gas pipe, two days' notice of said intention shall be given to the mayor before such work shall be commenced, who shall issue a permit for such purpose, without which permit no street, sidewalk, alley or public ground shall be so opened. Any person or persons, corporation or association of persons, who shall open or attempt to open any street, sidewalk, alley or public ground within said city for the purpose of laying down gas pipes, without having given said two days' notice of his or their intention to open said street, sidewalk, alley or public ground for such purpose, and without having procured the said permit therefor, shall be fined for each and every opening of, and for each and ever attempt to open, said street, sidewalk, alley or public ground, in a sum of not less than five nor more than fifty dollars; and if said fine be not paid shall be imprisoned for a period of not less than five nor more than thirty days; and such person

or persons, corporation or asosciation of persons, shall at once proceed to and repair such parts of said streets, sidewalks, alleys or public grounds opened or attempted to be opened for such purpose, at their own expense, under the supervision and to the satisfaction of the city engineer of said city, and upon their failure so to do, shall be subjected to the same fines and penalties as are hereinbefore provided for the violation of the former provisions of this section.

SEC. 9. The corporation of said city of Galveston will, in the purchase of gas for the public lamps, give preference to the person, association or incorporation who shall first complete the required gas works to supply the inhabitants with gas; provided, that the price to be charged shall not exceed that for which gas of equal quality and fitness can be obtained of other persons, associations or incorporations authorized to erect and establish gas works in said city.

SEC. 10. It shall not be lawful for any person, association or incorporation to establish or erect any gasometer, or other building for generating gas, east of Thirty-first street.

CHAPTER LIV.

GRANT TO THE TEXAS STAR FLOUR MILLS.

SECTION 1. That the Texas Star Flour Mills, a corporation organized under the laws of Texas, be and they are hereby authorized to erect and construct, on the south half of block number seven hundred and forty (740), in the city of Galveston, a grain elevator or elevators, of the capacity of not less than one hundred thousand bushels of grain, of such material as is hereinafter named.

SEC. 2. That the Texas Star Flour Mills be and they are hereby authorized to lay down railway tracks and switches, for the purposes of their business, on the following streets and alleys in the city of Galveston, to-wit: On Avenue A, between Twentieth and Twenty-first streets; on the alley running east and west in block No. 740, and across Twentieth and Twenty-first streets, and such other streets as may be necessary so as to make connections with the system of railway tracks and switches operated and maintained by the Gal-

veston Wharf Company. The Texas Star Flour Mills, as a condition precedent to the grant contained in this section, undertakes and agrees to indemnify and hold harmless the city of Galveston against all suits, claims, loss, damage or expense, in any manner growing out of this grant.

SEC. 3. That the Texas Star Flour Mills are hereby authorized to erect and construct spouts and grain conveyors from said elevator or elevators to their mill and to the edge of the channel of the bay, so as to enable them to load vessels at the wharves with grain from the elevator. Said grain conveyors and spouts, in the event of crossing any street, shall be constructed at an elevation of at least twenty-five feet above the established grade of the street, and shall be constructed in accordance with the ordinances of the city regulating the construction of roofs within the fire limits of the city.

SEC. 4. That the Texas Star Flour Mill shall construct said elevator or elevators with walls of wood built upon a solid wall of brick. The walls shall be covered with either corrugated sheet iron, patent sheet iron shingles or slate and the roof shall be constructed of fire-proof material in accordance with the requirements of the city ordinances regulating the construction of roofs within the fire limits of the city.

[Approved November 5, 1886.

CHAPTER LV.

THE TEXAS STAR FLOUR MILLS.

SECTION 1. That the Texas Star Flour Mills be and they are hereby, in addition to the buildings heretofore constructed by them under the provisions of said ordinance on lots Nos. 1 and 2, block No. 680, city of Galveston, authorized to erect on the above mentioned ground, including lot No. 3 of the same block, of light material, such other and additional iron-clad building or buildings, to be used for warehouse, storage and general mill purposes, as shall be adequate for their said business.

[Passed June 5, 1882.

CHAPTER LVI.

GRANT TO W. F. LADD AND HIS ASSOCIATES.

SECTION 1. That W. F. Ladd and his associates are hereby granted the right to build and construct, in connection with their cotton warehouse, a gallery and awning over the full width of the sidewalks surrounding the west half of block five hundred and nine in the city of Galveston.

SEC. 2. The floor of the gallery shall be constructed of plank, not less than two inches thick, and supported by pillars or posts mortised or let into the curbing, and at an elevation of not less than ten feet from the pavements. Said gallery shall be of sufficient strength to maintain and support a pressure of at least ten tons. The awning above the gallery shall be covered with fire-proof material, and the gallery and awning shall at all times be kept in good repair, neatly painted and in safe condition.

[Approved May 7, 1887.

CHAPTER LVII.

GRANT TO SAMSON HEIDENHEIMER AND HIS ASSOCIATES.

SECTION 1. That the ground for the extension of Forty-fourth street, between Avenues C and D, in the city of Galveston, is hereby granted to Samson Heidenheimer, his associates and successors, for railway terminal facilities, and for the erection of a cotton seed oil mill, subject to the consent of the Gulf, Colorado and Santa Fe Railway and the G., H. & H. Railway, until such time as the city council may elect to open said street as a public thoroughfare by an ordinance duly passed by the city of Galveston.

SEC. 2. That the said Samson Heidenheimer shall file with the city clerk a written acceptance of this ordinance, before the same shall take effect.

[Approved July 22, 1887

CHAPTER LVIII.

GRANT TO GALVESTON BAGGING AND CORDAGE COMPANY.

SECTION 1. That there is hereby granted to the Galveston Bagging and Cordage Company of the City of Galveston, the right to use and occupy Thirty-ninth and Fortieth streets,

between Avenue F and Avenue G, for the construction, operation and maintenance of a bagging and cordage factory; also the use of the sidewalk on Avenue F on the north side of blocks 398, 399 and 400, for the purpose of placing a switch or railroad track in connection with said factory; provided, that the city of Galveston reserves the right to open said streets and sidewalks whenever the convenience of the citizens may demand it.

SEC. 2. That, in order to make railway connection with said factory, to be constructed on blocks 398, 399 and 400, there is hereby granted to the said Galveston Bagging and Cordage Company the right to lay down, use, operate and maintain a railway track or switch on Avenue F, from Thirty-fifth street west, with the right to make connections with the Galveston, Houston and Henderson and the Gulf, Colorado and Santa Fe Railway Companies, at such places as may be most convenient; provided, said railway companies consent to the same.

SEC. 3. That this ordinance shall take effect from and after its passage, and upon the said Galveston Bagging and Cordage Company filing with the city clerk their acceptance of the terms and provisions of this ordinance.

[Approved September 6, 1887.

CHAPTER LIX.

DONATION BY REBECCA SEALY AND GEORGE SEALY, EXECUTORS OF JOHN SEALY, DECEASED, AND ACCEPTANCE BY THE CITY.

Whereas, Rebecca Sealy and George Sealy, executors of the late John Sealy, have submitted to the city council of the city of Galveston a tender and proposition in writing, in terms following, to-wit:

Galveston, May 12, 1887.—To the Honorable, the City Council of the City of Galveston. Gentlemen: The executors of the late Mr. Sealy, in order to carry into effect his legacy toward an establishment of usefulness or charity in Galveston, to be of most service, have concluded to tender to your honorable body the sum of fifty thousand dollars, to be used in the erection of a building for a medical hospital, on the grounds to be furnished by the city.

This amount, on your acceptance thereof, and your appointment of a building committee to adopt a plan and superintend construction, will be paid on the check of the chairman, or in such manner as you may designate. No further responsibility for any amount, nor further connection with the building is intended by the executors.

The only condition placed upon the donation is that, so long as the hospital remains under the administration of the city, it should be rendered more useful to the indigent sick of the city, under the regulations deemed best by you for that object. Should the medical department of the Texas State University be practically established at Galveston, as the State Constitution requires, and should you deem it proper to transfer the same to the university, for its benefit, you have the consent of the executors to such action as your wisdom shall dictate.

Very respectfully,
REBECCA SEALY,
GEORGE SEALY,
Executors.

And whereas, it is considered that the acceptance of said tender and proposition on behalf of the city of Galveston is demanded by the interests and will be promotive of the health of the inhabitants thereof; therefore,

SECTION 1. Be it ordained by the city council of the city of Galveston, that the certain tender and proposition, hereinbefore recited, of Rebecca Sealy and George Sealy, executors of the late John Sealy, to deliver to the city council, upon the terms and conditions and for the purposes herein named, the sum of fifty thousand ($50,000) dollars, be and the same is hereby accepted.

SEC. 2. That the following named citizens of said city, nominated by the mayor and confirmed by the passage of this ordinance, viz: Charles Fowler, Dr. J. F. Y. Paine, J. Reymershoffer, J. P. Davie and Dr. C. W. Trueheart, are to constitute a building committee, styled committee on building Sealy hospital, with full power to act, to carry out the object of the munificent gift of the executors of John Sealy,

as in their judgment they may deem best, and with the authority to receive and disburse the said funds.

SEC. 3. That south half of block six hundred and sixty-eight, where the present frame hospital building stands, is hereby dedicated for the use and erection of the Sealy hospital.

[Approved September 6, 1887

CHAPTER LX.

GRANT TO ISAAC HEFFRON, HIS ASSOCIATES AND SUCCESSORS.

SECTION 1. That there is hereby granted to Isaac Heffront, his associates and successors, the right to construct, lay down, maintain and operate a system of sewerage pipes in the streets and alleys of the city of Galveston, as follows:

A twelve-inch pipe from the channel of the bay along Twentieth street to the south side of Avenue H, and six and eight-inch lateral pipes through all alleys, between Eighteenth street on the east, and Twenty-third street on the west, between the channel of the bay and Avenue H, together with the right to cross all streets within the aforesaid limits, at the intersection of the alleys with the streets.

SEC. 2. That cast-iron pipes shall be used from the outlet of Said Twentieth street, extending from the channel of the bay to the present bulkhead. The balance of the piping, both main and lateral, shall be constructed and laid with first-class, well-seasoned, hub-joint cement pipe, thoroughly glazed on the inside with a composition of asphaltum and tar.

SEC. 3. That said sewerage pipes shall be laid at such depths below the grade of the street and alleys as shall be determined by the city engineer, and upon such grades as shall secure the easy and speedy flow and expulsion of all sewerage matter under a proper system of flushing.

SEC. 4. That said sewerage pipes shall be furnished with all such valves, water taps, man holes, ventilators, and other devices as shall be necessary to secure a safe and wholesome system of sewerage.

SEC. 5. That, whenever said grantees shall determine to open any street or alley for the purpose of laying down any pipe, two days' notice of said intention shall be given to the

mayor before such work shall be commenced, who shall issue a permit for such purpose, to cover not more than one square, or 380 feet, in any one permit; and no new permit shall be granted by the mayor until the laying of pipe under the preceding permit has been completed and the surface of the street, including pavements, is restored to its original condition, to the satisfaction of the city engineer.

SEC. 6. That said grantees shall lay down their said pipes and restore the surface of the streets and alleys to their original condition at their own expense, and to the satisfaction of the city engineer, and in any case where said grantees shall fail to restore the surface of the street as herein required, the same may be done by the city at the expense of said grantees, which expense shall be a lien on said sewerage system until paid.

SEC. 7. That said grantees shall cause to be made and filed in the office of the city engineer a map of the territory herein described, and the city engineer shall plat on said map the positon of all pipes laid therein, from time to time, as the same are completed, so as always to have a complete map of said system.

SEC. 8. That when any part of said system of sewerage shall be put in operation or used by said grantees, they shall cause the same to be flushed with water at least once every day, or oftener, if required by the health physican; and no part of said system of sewerage shall be used or operated, unless sufficient head of water shall have been previously procured for the purpose of flushing the same in accordance with this section.

SEC. 9. That if at any time said system of sewerage shall become foul and unsanitary, and upon notice thereof said grantees shall fail or refuse to put the same in good repair and condition, the same may be done by the city at the expense of said grantees, and the same shall be a lien on said system of sewerage until paid.

SEC. 10. That when any permit shall have been granted by the mayor to lay down any pipe under this ordinance, it shall be the duty of the city engineer to lay out and designate the line in the streets and alleys where said pipes shall be laid.

SEC. 11. That said grantees shall indemnify and hold the city harmless against all suits, damages, costs and expenses that may arise growing out of the laying down of said system of sewerage.

SEC. 12. That said grantees and their said system of sewerage shall always be subject to any and all ordinances passed by the city council of the city of Galveston; and the city of Galveston reserves the right to have any of the said pipes repaired or removed at the expense of the grantees, whenever the same shall become, by decay or otherwise, a nuisance to the citizens of the city.

SEC. 13. That the said Isaac Heffron and his associates shall have the right to incorporate themselves, under the laws of the State and said corporation shall be entitled to all the rights and privileges herein granted.

SEC. 14. That said grantees shall commence the laying of said main pipe on Twentieth street within ninety days, and complete the same within twelve months from and after the passage hereof.

[Approved September 21, 1886.

CHAPTER LXI.

GRANT TO GALVESTON SEWER COMPANY.

SECTION 1. That there is hereby granted to the Galveston Sewer Company, a corporation duly incorporated under the laws of the State of Texas, for a term of twenty years and subject to the conditions, provisions and stipulations hereinafter contained, the right to construct, lay down, operate and maintain a system of sewerage under and along the streets of the city of Galveston, within the territory and in the manner following, to-wit:

A main sewer pipe from the south edge of the channel of Galveston bay, opposite the north end of Bath Avenue, or Twenty-fifth street, thence along said Bath Avenue or Twenty-fifth street, to the north side of Broadway or Avenue J, at the intersection of said two streets, and the lateral pipes connecting with said main sewer, under and along all the alleys lying between said Galveston bay on the north and Winnie

street or Avenue G on the south, and Tremont or Twenty-third street on the east and Twenty-seventh street on the west; the said main sewer to be, for a distance of at least 400 lineal feet southwardly along said Bath Avenue, commencing just inside the channel of said bay, an iron pipe, twenty inches in diameter, inside measure, and of standard thickness, and to be laid for that distance upon a pile foundation; thence southwardly along said Bath Avenue to the north side of Broadway or Avenue J, at its intersection with Bath Avenue, an oval or egg-shaped cement pipe, two inches thick and fifteen by twenty-one inches in diameter, having a flat base, and laid at proper grade upon a foundation constructed of the best quality of red heart cypress plank, having a thickness of at least two inches, and said plank to terminate with a round, jointed hub, twelve inches in diameter; and all the lateral pipes to be not less than six and eight inches in diameter and of the same quality and material, and glazed on the inside with a coating of asphalt composition, and laid on the same character of foundation as that portion of the main sewer lastly above described.

SEC. 2. The iron pipe used for the outlet of the main sewer shall drop into the waters of the channel of the bay at least two feet below mean low tide, and in such manner as to effectually prevent any odors arising from the outflow of sewerage.

SEC. 3. All the said pipes, mains and laterals shall be laid at such depths below the present grade of the said streets and alleys as not to interfere, in any manner with the public use and enjoyment thereof, and at such gradient as to secure, at all times, a ready and speedy flow of sewerage.

SEC. 4. The said pipes, mains and laterals shall be furnished with all such valves, water-holes, man-holes, ventilators, flushing tanks and other devices, constructed of the most approved materials and in a good, workmanlike manner, as shall be necessary to secure a safe and entirely wholesome system of sewerage.

SEC. 5. Whenever said company shall conclude to open any street or alley under this grant for the purpose of laying down any pipe thereon, two days' notice of such intention

shall be given the mayor of the city before such work is commenced, who, after examining and satisfying himself that the provisions and requirements of this grant are being in good faith pursued in that behalf, may issue a permit to the said company to proceed with the work of laying the pipe or main along such street or alley; provided, that no single permit shall cover or include more than one block, or 340 feet; and provided, also, that no additional permit shall be granted until the laying of pipes or mains under the permit already granted shall have been completed and the streets and alleys, including pavements, shall have been restored by the said company to their former condition, to the satisfaction of the city engineer.

SEC. 6. The said sewer company shall, in laying its mains and other pipes, restore to their former conditon, at its own expense and to the satisfaction of the city engineer, all streets and alleys occupied by it; and should the said company fail or neglect to restore any street, alley or pavement, as herein contemplated and provided, within two days after written complaint thereof to it by the city engineer, the same may be done by the city at the expense of said sewer company.

SEC. 7. The following elevations of the main sewer shall be the grade line upon which the same is to be laid; provided, however, from the channel of the bay to Avenue A the said main sewer may be on a level:

Grade at Avenue A, 0.5 feet above mean low tide.
Grade at Avenue B, 0.83 feet above mean low tide.
Grade at Avenue C, 1.16 feet above mean low tide.
Grade at Avenue D, 1.49 feet above mean low tide.
Grade at Avenue E, 1.82 feet above mean low tide.
Grade at Avenue F, 2.15 feet above mean low tide.
Grade at Avenue H, 2.81 feet above mean low tide.
Grade at Avenue I, 3.14 feet above mean low tide.
Grade at Avenue J, 3.47 feet above mean low tide.

And all laterals shall be connected with said main sewer on a curve of a radius of not less than ten feet, and wherever such connections are made, and wherever obstructions, in the shape of water pipes, gas pipes or other sewer pipes exist, man holes of brick, and of such dimensions as to admit a

man, and covered with an iron grating for ventilation, shall be constructed.

SEC. 8. Wherever private sewers exist in the streets and alleys named, the said company, to avoid having more than one out-fall on the same street, shall, at its own expense, connect such private sewers with its own system of sewerage; and each dead end of all the pipes, main and lateral, shall be provided with the most approved means for flushing at least once in every twenty-four hours.

SEC. 9. The said sewer company shall cause to be made and filed in the office of the city engineer a map of the territory herein described; and it shall be the duty of the city engineer to plat in said map, from time to time as the work may progress, the positions of all pipes laid therein, so as to preserve for future reference a complete map of said system or plant.

SEC. 10. As soon as any part of said sewerage shall have been completed and put into use, the said sewer company shall cause the same to be flushed with water, at least once in every twenty-four hours, and oftener if required by the city health physician, by automatic flushing tanks or by connection with the new water supply of the city; and no part of said sewerage shall be used or operated unless a sufficient head of water shall have been previously procured for the purpose of flushing the same in accordance with the provisions of this section.

SEC. 11. It shall be the duty of the said sewer company to keep its sewerage or plant, and every part thereof, at all times, in thorough repair, clean, and in good sanitary condition; and should said sewerage, or any part thereof, become, at any time, out of repair, foul or unsanitary, and the said company, upon notice thereof from the city health physican or the city engineer, shall fail or neglect to put the same in thorough repair and in a clean and good sanitary condition, the same may be done by the city at the expense of said sewer company.

SEC. 12. As soon as any permit has been granted to the said company by the mayor, under section five of this grant, it shall be the duty of the city engineer to lay out and desig-

nate the line in the street or alley where said pipes may be laid, which shall be at the expense of said company, and the said pipes shall be laid on the line so designated, and not otherwise.

SEC. 13. The city of Galveston hereby reserves to itself the right and privilege, at any time, of repairing said sewerage or any part thereof, and after sixty days' notice of such intention of altering, changing or removing the same, or any part thereof—all at the expense of said sewer company; and, also, the right to fix the maximum rate of charges for sewerage service in all cases; and the said sewer company shall furnish the said city, free of charge, whenever such service is needed, sewerage service for all buildings used or occupied by the city for municipal purposes, within any territory in its corporate limits, either now or at any time hereafter occupied by the said company. And the said sewer company shall be subject to ordinances, rules and regulations of said city that now exist, or that may hereafter be passed or established by the city council, with reference to the conduct and government of such companies or organizations, and with reference to the use and management of their plants.

SEC. 14. The said sewer company shall indemnify and hold harmless the said city of Galveston against any and all actions, suits, claims for damages to persons or property, and all costs and expenses that may arise or grow out of the laying or construction of its said sewerage, or out of its use, operation or maintenance, or out of the negligence or misconduct of itself or its agents or servants, and for that purpose shall enter into a bond, with three good sureties, in the penal sum of $5,000.00, payable to the city of Galveston, and to be approved by the finance committee of said city.

SEC. 15. The said sewer company shall commence laying said main pipe on Bath Avenue or Twenty-fifth street, within five (5) months next after the 15th day of September, 1889, and shall complete the whole system, under this grant, within one year next after the passage hereof, under pain of forfeiture of this grant.

[Approved September 18, 1889.

CHAPTER LXII.

AN ACT TO INCORPORATE THE GALVESTON WHARF AND COMPRESS COMPANY.

SECTION 1. Be it enacted by the legislature of the State of Texas, that Mitchell B. Menard, Ebenezer B. Nichols and Henry H. Williams and their associates, be, and they are hereby incorporated under the name and style of the Galveston Wharf and Cotton Press Company, and under it may transfer their right by succession and assignment, and shall be persons in law, capable of suing and being sued, plead and being impleaded, in all courts and places whatsoever; and, also, that they and their successors, by the same name and style, shall be in law capable of holding and of conveying any estate, real, personal or mixed; and doing and performing all things which are necessary for the business of said company, and not contrary to the Constitution of the State.

SEC. 2. The capital stock of said company shall not be less than one hundred thousand ($100,000) dollars, divided into shares of one hundred ($100) dollars each.

SEC. 3. The management of the affairs of said company shall be conducted by a board of five directors, each of whom shall own at least ten shares of the capital stock of said company, and three of said directors shall constitute a quorum, to do and perform all the business necessary to the successful operation of said company. A majority of said directors shall appoint a president from their own number, and fill such vacancies as may from time to time take place from death, resignation or otherwise. The election for directors shall take place in the city of Galveston, at such time as a majority of stockholders present at their first meeting may designate, which meeting shall be called by the chief justice of the county of Galveston, by a notice in some newspaper published in the city of Galveston, for at least five days preceding the day of election, so soon as one thousand shares of the capital stock of said company have been subscribed, and yearly thereafter; and in case of failure to so elect said directors, the corporation shall not be dissolved for that cause, but the president and directors for the time being shall continue in office until there be an election; provided, also, that it shall be the duty of said directors to call a meeting of

the stockholders at an early day to elect the directory so omitted to be done at the regular period.

SEC. 4. Each stockholder shall have a vote for each share he may own, and may vote in person or by proxy.

SEC. 5. The president and directors shall have authority to adopt all such rules, regulations and by-laws, as they may consider necessary for the proper management of the business and affairs of said company; provided, that nothing in this act shall affect any right or title vested in the city of Galveston by its charter or any other laws.

[Approved February 4, 1854.

I, Ed. Clark, Secretary of the State of Texas, hereby certify that the foregoing is a true copy of the original law now on file in the State department.

Given under my hand and the seal of the Department of State, of the city of Austin, this the 25th day of February, A. D. 1854.

(L. S.)

ED. CLARK.

CHAPTER LXIII.

AN ACT, AMENDATORY OF AND SUPPLEMENTARY TO, AN ACT TO INCORPORATE THE GALVESTON WHARF AND COTTON PRESS COMPANY

SECTION 1. Be it enacted by the legislature of the State of Texas, that the Galveston Wharf and Cotton Press Company may change its name to that of the Galveston Wharf Company, and under it may transfer their rights by succession and assignment, and shall be persons in law capable of suing and being sued, plead and being implead, in all courts and places whatsoever; and, also, they and their successors, by the same name and style, shall be in law capable of holding and conveying estate, real, personal or mixed, and doing and performing all things which are necessary for the business of said company, and not contrary to the Constitution of this State, and generally do and perform all such acts and things as they could legally do under their present name; and all acts heretofore done in said name shall be as binding upon said company, and in favor of said company, upon third parties in said new name, as they were under the first name; and said change of name shall in no way forfeit or change

any rights or liabilities now existing between said company and third parties.

SEC. 2. That section third of the act to incorporate the Galveston Wharf and Cotton Press Company, approved February the 4th, 1854, be, and the same is hereby amended so as to read as follows: The management of the affairs of said company shall be conducted by a board of nine directors, each of whom shall own at least ten shares of the capital stock of said company, and five of said directors shall constitute a quorum to do and perform all the business necessary to the successful operation of said company; a majority of said directors shall appoint a president and vice-president from their own number, and fill such vacancies as may from time to time take place from death, resignation or otherwise.

The election for directors shall take place in the city of Galveston at such time as a majority of stockholders present at their first meeting after the passage of this act may designate, and on the first Monday in the month of January in each and every years thereafter, five days' notice of such election being first given by publication in some newspaper published in the city of Galveston; and in case of failure to elect said directors, the corporation shall not be dissolved for that cause, but the president, vice-president and directors, for the time being, shall continue in office until there be an election; provided, also, that it shall be the duty of said directors to call a meeting of the stockholders at an early day, to elect directors so omitted to be done at the regular period.

SEC. 3. That said company shall have power to borrow money on their bonds or notes, at such rates as the directors may deem expedient.

SEC. 4. That this act take effect, and be in force, from and after its passage. [Approved February 11, 1860.

DEPARTMENT OF STATE, AUSTIN, TEXAS, March 1, 1860.

I, the undersigned, Secretary of State of the State of Texas, do hereby certify that the above and foregoing is a correct copy of the original act on file in the Department of State.

Given under my hand and the seal of the Department of State, the day and year first above written. E. W. CAVE, Secretary of State.

(L. S.)

CHAPTER LXIV.

DECREE OF COMPROMISE.

The Mayor, Aldermen and Inhabitants of the City of Galveston versus the Galveston Wharf Company.

This day the above cause came on to be heard, and leave was granted to both parties to amend their pleadings, and amendments were filed; and thereupon the parties announced themselves ready for trial, and waived a jury and submitted this cause to the court, and further announced that the said parties, plaintiff and defendant, had agreed on the terms of a final settlement and compromise between said parties, and that the same should be entered as the decree and judgment of the court therein, all errors and exceptions thereto being waived, and the terms of said judgment and decree appearing to the court to be reasonable and fair and for the public interests involved: Thereupon, it is considered ordered, adjudged and decreed by the court, that the present capital stock of the Galveston Wharf Company, consisting of twelve thousand four hundred and forty-four shares of stock at one hundred dollars per share, amounting in the aggregate to one million four hundrded and forty-four thousand four hundred dollars, shall be increased to full one-half thereof, viz.: by six thousand two hundred and twenty-two shares of one hundred dollars each, amounting to the sum of six hundred and twenty-two thousand two hundred dollars, which said stock of said sum of six hundred and twenty-two thousand two hundred dollars shall be the property of the mayor, aldermen and inhabitants of the city of Galveston, and the same shall stand and remain on the books of said company as the property of said mayor, aldermen and inhabitants of the city of Galveston, and the equal, undivided one-third of the property of said company, to be consolidated and vested in it by this decree, shall be owned by said city and represented by its said stock, and the said stock and the rights and interests therein and in said property of said mayor, aldermen and inhabitants of the city of Galveston, shall be in trust for the present and future inhabitants of the city of Galveston, and all and every part thereof shall be inalienable

and not subject to conveyance, assignment, transfer, pledge, mortgage or any liability for debt whatever, in any other manner than by the vote of four-fifths of all the qualified voters of said city in favor of some clear and specific proposition therefor. The dividends and net earnings of said stock shall be regularly paid to said mayor, aldermen and inhabitants of the city of Galveston, to be disbursed and expended for the public good and benefit of said present and future inhabitants of said city; and that the said plaintiffs shall be represented by three directors in the board of directors of said company, one of whom shall be the mayor of said city, who shall be one of the committee on finance; another shall be an alderman of said city, and the third shall be either an alderman or a citizen of said city, both to be elected by the common council of said city. The other six directors of said company to be elected by the remaining stockholders of said company exclusive of stock of said city. And it is further expressly understood and agreed between the parties, and is so ordered, adjudged and decreed, that in all the stockholders' meetings of said company no measure shall be adopted, and no vote, act or proceeding shall be valid, unless by a vote of three-fourths of all the stock of said company, exclusive of the said stock of the plaintiff.

In consideration of all which, it is further agreed between the parties, and is now considered ordered, adjudged and decreed by the court, that all the property rights and claims of every kind and description (except certain lots and property hereinafter specified), of the said Galveston Wharf Company, and also all the right title, interest and claim of every kind and description whatsoever, of the said mayor, aldermen and inhabitants of the city of Galveston, in and to all the land and ground extending from the shore or ordinary highwater mark of the island of Galveston to the channel of the bay or harbor, from and including the street known on the map and plan of said city of Galveston as Ninth street, on the east, to and including the street known as Thirty-first street on the west, including all the ground known as the flats within said limits, and also all rights, capacity, powers and claims of said plaintiffs to build and erect wharves, and take and receive

wharfage therefor, at the end of streets now or hereafter running or extending to said channel, be and the same are hereby vested in the said Galveston Consolidated Wharf Company, and to be henceforth the corporate property, right and title of said Galveston Wharf Company, and owned, held, possessed, controlled, used and administered by said company—all the said united and consolidated property, rights and claims, being represented by said aggregate of one million, eight hundred and sixty-six thousand, six hundred dollars—the original two-thirds thereof held by the present stockholders and one-third by the said plaintiff in trust as aforesaid. But it is further expressly provided, declared and understood by the parties, and is considered, ordered, adjudged and decreed by the court, that the rights of said plaintiffs in and to certain parts of said flats intended hereby to become the future property of said company, are now in litigation and controversy between said plaintiff and the Galveston City Company, or are denied by said city company and other parties, and also in controversy between plaintiff and A. H. Bean and others, in suit No. 2437, on the docket of this court; and that this settlement and arrangement shall have no constructive operation or effect whatever to prevent the plaintiff herein from maintaining and continuing all suits now pending, or from instituting and prosecuting any and all other suits necessary or proper to recover and enforce the right and claim of said plaintiff to all of said flats, or ground, to which any adverse right may or shall be held or claimed by and and all other parties against said plaintiff or against the company herein united and consolidated; the recovery by the plaintiff in all suits now pending or hereafter brought, and all future title to any part of the said flats in front of the city of Galveston within the aforesaid limits, hereafter required in any manner by either party, to inure to the common benefit of the parties herein, and to the good faith, fulfillment and execution of this compromise and settlement.

It is further agreed between the parties, and is considered ordered, adjudged and decreed by the court, that the following property of said defendant, viz.: all the lots, blocks and land now owned, held or claimed by said defendant, south of Ave-

nue A, on the map of land of said city; also, all the lots now owned or held by said company in the south half of the following blocks, viz.: six lots in 734, three lots in 735, two lots in 736, two lots in 737; also, all the stocks in other companies held by said defendant; all the accounts, claims, debts and liabilities now due to or heretofore contracted to said defendant, and all its personal property not forming part of the wharves, shall not be included in the future property and rights to be held and owned by said company jointly for plaintiffs and defendants as aforesaid, but that the same shall be withdrawn from said company and forthwith conveyed by said company to a trustee or trustees to be named by it, and to be held or disposed of for the use and benefit of the stockholders of said company prior to this compromise, as the holders of the original stock of said company may direct. It is further the agreement and intention of the parties that this settlement shall, if practicable, result in and secure the final settlement of all controversy and prevent future controversy in regard to all the wharf privileges in front of the city of Galveston, and that the whole of said wharf privileges shall be united and consolidated in the present parties hereto.

It is further agreed, considered, ordered, adjudged and decreed by the court, that as the Galveston Wharf Company has assumed to pay all the expenses incident to the litigation hereby compromised, they shall have the right to issue additional stock at their discretion, which may be held, pledged or paid out in order to raise the necessary funds to pay all expenses incurred in said litigation, or issue bonds or use the income or earnings of the said Wharf Company; to do the same after the issuance to the city of Galveston of the six thousand two hundred and twenty-two shares of stock as aforesaid.

It is further agreed by the parties, and is ordered, adjudged and decreed by the court, that the defendants shall pay all the costs in this suit incurred. J. B. M'FARLAND.

Judge of the First Judicial District Court of Texas.

THE STATE OF TEXAS, }
County of Brazoria. }

I, S. L. S. Ballowe, clerk of the district court within and for the said county of Brazoria, certify that, on this, the first day of April, A. D. 1869, the preceding decree was duly entered and recorded in the district of Brazoria county, and that the said preceding seven pages in all respects agree with the record of the said district court, duly entered in the suit of the mayor, aldermen and inhabitants of the city of Galveston against the Galveston Wharf Company.

Given under my hand and the seal of the said district
(L. S.) court of Brazoria county, this first day of April,
A. D. 1869. S. L. S. BALLOWE,
Clerk D. C. B. C.

By G. WESTERVELT, Deputy.

CHAPTER LXV.

CONFIRMATION OF COMPROMISE.

An act to confirm the compromises and settlements between the corporation of the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company and the Galveston Wharf Company.

Whereas, on the 8th day of December, 1851, an act was passed by the legislature entitled "An act granting certain powers to the corporation of Galveston city," and on the 16th day of February, 1852, an act was passed entitled: "An act supplementary to an act granting certain powers to the corporation of Galveston city," approved December 8th, 1851, and, whereas, litigation in regard to the property known as the flats, within the corporate limits of said city, existed for many years, retarding the improvement and prosperity of said city, which said litigation was compromised and settled by a consent decree rendered in the district court of Brazoria county, on the first day of April, 1869, in a suit wherein the said corporation of the city of Galveston was plaintiff and the Wharf Company was defendant, and by a further consent decree, rendered in said district court, on the 2d day of November, 1869, in a suit wherein the Galveston City Company was plain-

tiff and the corporation of the city of Galveston was defendant, and by a sale by said Houston and Galveston Wharf and Press Company to the said Galveston Wharf Company; therefore,

Be it enacted by the legislature of the State of Texas: That the said compromises and settlements between said parties, and the said decress of the district court of Brazoria county, recited in the preamble hereto, are in all respects validated, ratified and confirmed; provided, however, that this act shall not be so construed as to effect the right or claim of any person, whatever, not a party to said suits, decrees or compromises.

[Approved June 23, 1870.

This is to certify that the foregoing is a true copy of an act passed by the legislature, according to the (L. S.) records of this office. In testimony whereof, I hereunto sign my name and affix the seal of my office, this 24 the day of June, A. D. 1870.

JAS. P. NEWCOMB,
Secretary of State.

CHAPTER LXVI.

GRANT OF RIGHT OF WAY BY THE GALVESTON CITY COUNCIL.

REGULAR MEETING OF THE CITY COUNCIL, February, 7th, 1870.

Be it resolved by the mayor and board of aldermen of the city of Galveston in council convened: That, whereas, the Houston and Galveston Wharf and Press Company has transferred the wharf and privileges belonging to the said company to the Galveston Wharf Company, including the wharf known as the New Wharf, and all the rights connected therewith:

That the right of way heretofore granted by the city of Galveston to the Houston and Galveston Wharf and Press Company, to lay a railroad track across Avenues D, C, B and A, to connect the G., H. and H. R. R. with the New wharf, by resolution passed October 22, 1868, has lapsed for want of use and transfer of property:

And the Galveston Wharf Company having become the owner of said New wharf, and applied for said right of way for

a railroad to connect the Galveston, Houston and Henderson Railroad with the New wharf, across all intervening streets and then eastward along Avenue A to Seventh street, on the east end of the city, with privilege of switching to each of the wharves, the right of way is hereby granted to the Galveston Wharf Company, conditioned that the work shall be commenced within twelve months from this date, and that the street crossings shall be kept in good order for the passage of vehicles by said Wharf Company, under the supervision of the city authorities, and steam power shall not be used in propelling cars. That the right herein granted shall not be construed to bind the city of Galveston to defend the same, it being intended to grant only such right or permission as the city authorities lawfully may grant.

On motion the foregoing resolutions were adopted.

I certify that the foregoing is a correct copy of the
(L. S.) resolutions on record in this office.

R. Y. BOLLING, Secretary.

CHAPTER LXVII.

GRANT FOR RAILROAD BY THE STATE LEGISLATURE.

An act granting the Galveston Wharf Company the right to make railroad connection with their wharves and the railroads entering to city of Galveston.

SECTION 1. Be it enacted by the legislature of the State of Texas, that the Galveston Wharf Company shall have the right to construct, own and operate a railroad, commencing at or near the present terminus or depot of the Galveston, Houston and Henderson Railroad, and running thence to the New wharf owned by said company, and thence along Avenue A until it has crossed Bean's wharf, and thence along Avenue A, or a line to the north thereof, to the east end of Galveston island, and to cross all streets and alleys on the route of such railroad, and to build switches from the track to the said railroad to each of the wharves of said company; provided, that whenever said railroad crosses Bean's wharf on Avenue A, it shall run switches, turnouts, side switches, etc., to the T head thereof, if requested by the owners of said

wharf, and shall furnish all necessary and proper rolling stock upon said switch at Bean's wharf, to enable said wharf to receive with dispatch all articles shipped to said wharf or coming to said wharf for shipment, and to load and transport all articles landed at said wharf, and shall deliver and remove the same with the same dispatch and upon the same terms and conditions that articles are received, taken and removed from any other switch at any other wharf along the line of said road; and in case it should be necessary to run across any private property for the construction of said railroad, the said company shall have the right to appropriate and condemn the same on payment of the fair value thereof, by agreement with the owner or owners, or in conformity with the general railroad law of this State.

SEC. 2. That said company shall have the right to make connection with the Galveston, Houston and Henderson Railroad in case any change in the terminus or depot of such railroad, and with any and all other railroads which may, at any future time, enter the city of Galveston.

SEC. 3. That said company shall have the right to carry and transport persons and freight on said railroad, and charge and receive reasonable compensation therefor, and to run their cars over any connecting railroad, in accordance with the general railroad law of the State.

SEC. 4. That this act take effect and be in force from and after its passage. [Passed August 4, 1870.

STATE DEPARTMENT, AUSTIN, TEXAS.

I, James P. Newcomb, Secretary of State for the State of Texas, do hereby certify that the foregoing is a true copy of the original enrolled bill, now on file in my office.

Witness my hand and official seal at the office in the
(L. S.) city of Austin, this —— day of August, A. D. 1870.

JAMES P. NEWCOMB,
Secretary of State.

CHAPTER LXVIII.

CONFIRMATION OF RAILROAD GRANT BY THE GALVESTON CITY COUNCIL.

Granted, by the city of Galveston, to the Galveston Wharf Company to exercise all the rights and privileges contained

in an act of the legislature of the State of Texas, entitled "An act granting to the Galveston Wharf Company the right to make railroad connection with their wharves and the railroads entering the city of Galveston."

Whereas, at the recent session of the legislature of the State of Texas, a law was enacted, entitled "An act granting to the Galveston Wharf Company the right to make railroad connection with their wharves and the railroads entering the city of Galveston," passed August 4, 1870; therefore,

Be it ordained by the mayor and aldermen of the city of Galveston, in council convened, that the right of way for said railroad is hereby granted, and that the said Galveston Wharf Company may have and exercise all the rights, privileges and powers conferred by said act; provided, that said road shall be constructed in such manner as not to obstruct the free passage of the streets on land south of Avenue A, and that the city authorities shall at all times have such authority as will compel a due observance of this condition.

Be it further ordained, that the ordinance passed June 25, 1870, granting the right to establish a railway by said company, is hereby repealed.

Approved September 23, 1870.

JAMES A. McKEE, Mayor.

The foregoing preamble and ordinance was passed September 19, 1870, at a regular meeting of the city council, and is a true copy of the original ordinance and record now in the mayor's office, page 403.

To certify which I have hereto set my hand and seal (L. S.) of the city of Galveston, this 23d day of September, A. D. 1870.

R. Y. BOLLING,
Secretary of the Board of Aldermen.

CHAPTER LXIX.

GRANTING SOUTH HALF OF BLOCK 321 FOR PUBLIC FREE SCHOOL BUILDING.

Whereas, Mr. Geo. Ball has, in a generous public spirit, expressed his wish and intention to give to the city of Galves-

ton the sum of fifty thousand ($50,000) dollars, to be used in the construction of a public free school building, or, if preferred by the council, to cause such a building to be erected upon some suitable central site and donate it to the city, which noble contribution to the cause of education and the public welfare is cordially appreciated by the city of Galveston, speaking through its mayor and council, who have returned their sincere acknowledgements to Mr. Ball, and requested him to take charge of the erection of the edifice so that his offering may conform to his own wishes; and,

Whereas, a part of block No. 321 would afford a desirable location for such an institution as is contemplated, and said block is held by the city as a site for a city hall and other public buildings, allowing ample space for such hall and other municipal structures, including the proposed school building; therefore, be it ordained by the city council of the city of Galveston:

SECTION 1. That the south half of block No. 321 be, and is hereby permanently set apart, devoted and dedicated as the site for the public free school building, to be erected by Mr. George Ball, and presented by him to the city of Galveston.

SEC. 2. That said building shall be the property of the city of Galveston, to be used solely for the purpose designated by the donor, viz: free public education, and shall be and remain at all times under the control and management of the city of Galveston, through its duly constituted authorities.

[Passed 1883.

CHAPTER LXX.

DONATION OF BLOCK 668 TO THE STATE OF TEXAS.

Donating block No. 668, together with all improvements thereon, in the city of Galveston, to the State of Texas, for the use and benefit of the University of Texas, to be used for and in connection with the medical branch of said university —being supplementary to an ordinance entitled: "An ordinance donating block No. 668, in the city of Galveston, to the University of Texas, to be used for the medical branch of said university." Approved June 18, 1888.

Whereas, since the passage of an ordinance entitled "An ordinance donating block No. 668 in the city of Galveston to the University of Texas, to be used for the medical branch of said university," approved June 18, 1888, the board of regents of said university reported to the city council of the city of Galveston that the ground donated by said ordinance as a site for the location of the medical department of said university was not suitable for that purpose, and requested that additional ground and another location be obtained for such site; and

Whereas, therefore, the legislature of the State of Texas appropriated the sum of seventy-five thousand dollars, or so much thereof as should be necessary, out of the general revenue, for the purchase of grounds in the city of Galveston for the location of the medical branch of said university; provided, that said city or its inhabitants should donate twenty-five thousand dollars, to be used in addition to the fifty thousand dollars heretofore appropriated by the State for the construction of buildings for said medical branch at Galveston; and

Whereas, said city thereupon made a donation of twenty-five thousand dollars in compliance with and for the purpose named in said proviso; and

Whereas, the board of regents of said university, in accordance with said act of the legislature appropriating twenty-five thousand dollars for the purchase of a suitable site for the location of said medical branch, obtained suitable ground in said city, other than said block No. 668, and made preparations for the construction of necessary buildings thereon; and,

SECTION 1. Be it ordained by the city council of the city of Galveston, that block No. 668, in said city of Galveston, and all improvements thereon, be and the same is hereby donated to the State of Texas for the use and benefit of the University of Texas, to be used for and in connection with the medical branch of said university, and the promotion of the convenience and objects therefor.

Provided, however, that should the medical branch of the State University not be established at the city of Galveston, and the buildings necessary thereto not be erected at some

point within the corporate limits of said city; or should the said medical branch be at any time thereafter discontinued, the titles to the above property, the conveyance of which is herein provided for, shall thereupon revert to the said city of Galveston; and, further, that it shall be so provided in the deed authorized in section two of this ordinance.

SEC. 2. That the mayor of the city of Galveston be and he is hereby directed to make, execute, acknowledge and deliver, a formal deed of and to block No. 668, in the city of Galveston, to the State of Texas, for the use and benefit of the University of Texas, in the name and under the seal of said city.

[Approved July 11, 1889.

CHAPTER LXXI.

GRANTING CERTAIN RIGHTS TO THE GALVESTON ROPE AND TWINE COMPANY OF THE CITY OF GALVESTON.

SECTION 1. That there is hereby granted to the Galveston Rope and Twine Company of the city of Galveston the right to use the sidewalks of block 396 (now owned by said company), on the east, west and north sides of the block, for the purpose of construction of buildings connected with their works, and for the purpose of placing a railway track in connection with the said factory; provided, that the city of Galveston reserves the right to open the said sidewalks whenever the convenience of the citizens may demand it.

SEC. 2. That in order to make railway connections with the said factory to be constructed on block 396, there is hereby granted to the said Galveston Rope and Twine Company the right to lay down, use, operate and maintain a railway track and switches on avenue F from Thirty-sixth street west, with the right to make connections with the various railroads entering the city, or that may hereafter enter the city, provided said railway companies consent to the same, and further provided, that this ordinance shall in no way conflict with previous rights of way granted to the Galveston City Railroad Company on Avenue F.

SEC. 3. That this ordinance shall take effect and be in force from and after its passage, and upon the said Galveston Rope

and Twine Company filing with the city clerk their acceptance of the terms and provisions of this ordinance.

Approved September 21, 1889. W. S. GRIFFIN,
Attest: Acting Mayor.
DANIEL J. BUCKLEY, City Clerk.

THE STATE OF TEXAS. }
County of Galveston }

Whereas, the city council of the city of Galveston passed an ordinance granting certain rights to the Galveston Rope and Twine Co., of the city of Galveston,

Now therefore, in accordance with the third section of said ordinance, the Galveston Rope and Twine Co. hereby accepts said grant under the terms and provisions set forth and described in said ordinance.

In testimony whereof the said Galveston Rope and Twine Co. hereby signs its name by and through its president, this 20th day of September, 1889.

GALVESTON ROPE AND TWINE CO.,
By Arthur B. Homer, President.

CHAPTER LXXII.

GRANTING CERTAIN RIGHTS TO THE GALVESTON COTTON AND WOOLEN MILLS OF THE CITY OF GALVESTON.

SECTION 1. That there is hereby granted to the Galveston Cotton and Woolen Mills of the city of Galveston the right to the sidewalks of block No. 400, now owned by said company, for the purpose of construction of buildings connected with their works, and for the purpose of placing railway tracks in connection with their factory; provided, that the city of Galveston reserves the right to open the said sidewalks whenever the convenience of the citizens may demand it.

SEC. 2. That this ordinance shall take effect and be in force from and after its passage, and upon the said Galveston Cotton and Woolen Mills filing with the city clerk their acceptance of the terms and provisions of this ordinance.

Approved October 8, 1890.
Attest: R. L. FULTON, Mayor.
DANIEL J. BUCKLEY, City Clerk.

THE STATE OF TEXAS,
County of Galveston.

Whereas, the city council of the city of Galveston passed an ordinance granting certain rights to the Galveston Cotton and Woolen Mills of the city of Galveston;

Now, therefore, in accordance with the second section of said ordinance, the Galveston Cotton and Woolen Mills hereby accepts said grant under the terms and provisions set forth and described in said ordinance.

In testimony whereof the said Galveston Cotton and Woolen Mills hereby signs its name by and through its president, and attested by its secretary, this the 10th day of October, A. D. 1890.

ALBERT WEIS,
President.

Attest:

_____,
Secretary.

CHAPTER LXXIII.

GRANTING A RIGHT OF WAY ON POSTOFFICE STREET AND EXTENSION OF A SIDE RAILROAD TRACK TO THE TAYLOR COMPRESS COMPANY.

SECTION 1. That the right and privilege is hereby granted to the Taylor Compress Company to erect and construct an extension of its present side railroad track on Postoffice street, beginning on the west side of Thirty-first street, and terminating in the west side of the alley between Twenty-ninth and Thirtieth streets, in the city of Galveston. The city of Galveston reserving to itself the right to require the removal of said sidetrack whenever, in the judgment of the city council, the public interests may require its removal. And until the grant hereby made is revoked, the Taylor Compress Company shall have a right of way over and along said railroad track on said Postoffice street for the loading and unloading of railroad cars, the cars of all railroads to have the same rights of passage over said sidetrack.

Approved October 8, 1891. R. L. FULTON,
Mayor.

Attest:

DANIEL J. BUCKLEY, City Clerk.

CHAPTER LXXIV.

GRANTING THE RIGHT OF WAY TO THE SOUTH GALVESTON AND GULF SHORE RAILROAD COMPANY ON STREETS THEREIN NAMED.

SECTION 1. That there is hereby granted to the South Galveston and Gulf Shore Railroad Company the right of way for their tracks, and for maintaining and operating a railway thereon, with electricity as a motive power, together with the necessary sidetracks and switches, in the city of Galveston, as follows:

Commencing on Twenty-sixth (26th) street, at the south side of Avenue B, or Strand street, thence south on Twenty-sixth street to Avenue I; thence east on Avenue I to Nineteenth (19th) street; thence north on Nineteenth (19th) street to Avenue C, or Mechanic street; thence east on Avenue C, or Mechanic street, to Eleventh (11th) street; thence south on Eleventh (11th) street to Avenue N½; thence west on Avenue N½ to Sixteenth (16th) street; thence south on Sixteenth (16th) street to Avenue O½; thence west on Avenue O½ to Twenty-fourth (24th) street; thence south on Twenty-fourth (24th) street to Avenue Q, thence west on Avenue Q to Thirty-seventh (37th) street; thence south on Thirty-seventh street (37th) street to Avenue T; thence west on Avenue T to city limits. On Thirty-seventh (37th) street from Avenue I to south Avenue Q, on Thirty-ninth (39th) street from the south side of Avenue F south to Avenue I; thence east on Avenue I to Twenty-sixth (26th) street. The grant herein contained is subject to the provisions and conditions hereinafter named.

SEC. 2. That for the purposes named in section one of this ordinance the said company is hereby authorized to lay its tracks and set its poles, pins, abutments, wires and other necessary fixtures along the streets named in the foregoing section of this ordinance, and across the intervening streets and alleys of the city, subject to the regulations hereinafter provided.

SEC. 3. The tracks and other structures shall be so constructed, kept up and operated as not to obstruct or interfere with the convenient use of the streets by vehicles and those on

foot, and shall afford ample accommodation for the safe travel of the public.

SEC. 4. That the said company shall at all times keep the roadbed of said railway in good repair and upon a level with the street, and when the street is raised or lowered, the said company shall raise or lower their track to conform thereto, and shall comply with the requirements of the city charter in regard to paying their proportionate part of the expenses of filling and paving streets. They shall also construct and keep in good repair all cross culverts under their railway tracks whenever the same may be required by the city, all of which work shall be done subject to the approval and under the direction of the city engineer; and whenever the said company shall fail to construct and keep in order the culverts, tracks, roadbed, posts, wires and other fixtures as required by this ordinance, the city shall have the right to cause them to be constructed or put in proper condition and repaired, at the expense of the company, and in the event of their refusal to pay the same, the city may sue for the amount, or forfeit this franchise.

SEC. 5. The rate of fare shall not exceed five cents from and to any point within the city limits for each person over twelve years of age. Only half fare shall be charged all children going to and from school; children between three and twelve years of age shall be transported for one-half fare at all hours, and no charge shall be made for the carriage of children under three years of age, and any person shall have the right to purchase commutation tickets from said company at the rate of six whole and twelve half tickets for twenty-five cents, and proportionately in any amount not exceeding five dollars.

SEC. 6. The poles used as herein provided shall be of sound timber, not less than five inches in diameter at the upper end, reasonably straight and of uniform size. All poles shall be thoroughly painted, with not less than two coats of lead and oil paint, of such color as may be directed by the committee on streets and alleys, and be supplied with iron steps, commencing twelve feet from the surface of the ground and reaching to the arms supporting the wires. Said wires shall be run

at a height of not less than eighteen feet above the grade of the street. Whenever the poles are erected on a street, they shall be placed either in the middle of the street alongside the track, or on the outer edge of the sidewalk just inside the curbstone, and on line dividing the lots one from the other, or as near to said line as practicable, and in no case to be so placed as to obstruct the drainage of the street or to interfere with or damage in any way the curbstones or other public or private property on the line of the street or alley where such poles shall be erected. All work of excavating, refilling and restoring the pavement and of repairing awnings, shall be done at the expense of the said South Galveston and Gulf Shore Railroad Company, under the supervision of the city engineer and to his entire satisfaction, and in all cases the pavement shall be restored as soon as possible and to the same condition as it was before.

SEC. 7. The right is hereby reserved to the city at any time to direct any alteration in the location of the poles, or in the height at which the wires shall be run.

SEC. 8. The said company shall at all times keep on deposit with the city treasurer the sum of not less than fifty dollars, subject to the order of the city engineer, to be used by him in restoring any sidewalk, gutter, street, pavement or awning, displaced or injured in the creation, alteration or removal of any pole, track or other structure of such company, whenever said company fails or refuses to make such alteration to the satisfaction of the committee on streets and alleys.

SEC. 9. The said company shall at all times permit the city to use and occupy the top cross-arm of any pole, erected or to be erected, for fire, police or municipal telegraph or telephone purposes free of charge.

SEC. 10. The said company shall become solely responsible and hold the city harmless against all damages growing out of the use of the streets for street railway purposes and of electricity as a motive power under the provisions of this ordinance.

SEC. 11. That the said rights, privileges and franchises are hereby granted for the term of twenty-five years from the

passage of this ordinance, upon the condition that the said company shall commence the construction of its line of railway within five months from the passage of this ordinance, and have the same completed and in operation upon Avenue T, Thirty-seventh (37th) street, Avenue I from Thirty-ninth (39th) street to Twenty-sixth (26th) street, and on Twenty-sixth (26th) street, within twelve months from the passage of this ordinance, and shall complete, equip and have in operation the railroad on all the other streets named herein within two years from the passage of this ordinance, unless prevented by suit or process of law, in which latter event the delay occasioned shall not be estimated or counted against the company.

Sec. 12. The said company agrees and guarantees to furnish to the citizens of Galveston first-class street railway service in every respect, and further agrees to furnish and operate daily as many passenger cars on its lines within the city of Galveston as may be required to constitute a first-class electric street car service.

The number of cars on each street and the time between cars each way to be fixed and determined from time to time by the city council, not earlier, however, than ninety days after commencement of operations of street railway service on any of the streets herein named.

Sec. 13. The right is hereby reserved to the city council to grant a right of way to any other street railroad company now in existence, or to be hereafter established over portions of the lines and tracks of the South Galveston and Gulf Shore Railroad Company within the corporate limits of the city (to enable such street railroad to reach a proper terminal point) upon such terms and compensation as may be agreed upon by a board of arbitrators to be appointed and selected as follows: The company desiring to use the lines and tracks of the South Galveston and Gulf Shore Railroad Company to appoint one arbitrator, the South Galveston and Gulf Shore Railroad Company to select the second arbitrator, and the city council to appoint the third arbitrator. The term and rate of compensation for the use of said tracks to be fixed by a majority of said board so appointed, and to be final and binding on both companies; provided, that no street railway company now in

operation, or that may hereafter be put in operation, shall obtain the right to use any portion of the tracks of the said South Galveston and Gulf Shore Railroad Company, unless such company make itself subject to the conditions and stipulations of this section.

SEC. 14. This grant is made upon the express condition that the South Galveston and Gulf Shore Railroad Company shall execute to the city of Galveston, within thirty (30) days from the passage of this ordinance, a good and sufficient bond for the sum of ten thousand dollars ($10,000), with at least five sureties thereon, conditioned that the company shall faithfully and promptly perform all the conditions, stipulations and agreements named in this ordinance.

The city of Galveston reserves the right, either to enforce payment of the bond, or to forfeit the rights herewith granted, and otherwise to proceed in the premises, as though no such bond was given.

SEC. 15. No transfer of the franchise and grant hereby made to the South Galveston and Gulf Shore Railroad Company, nor consolidation of said company with any other street railroad, shall be made to or with any person or corporation during the existence of this grant, without the consent of the city of Galveston.

SEC. 16. The said railroad company shall make use of all such safeguards as from time to time may be ordered to be applied by the city council as preventatives from accident, and the city council reserves the right to direct and require such alterations to be made in the streets for railway purposes, and in the electric appliances and wires of said company, as in the opinion of the city council may be compatible with the public safety and comfort. The rate of speed upon said railroad shall be regulated from time to time by ordinance, and this grant is made upon the express condition that this company shall conform to all ordinances of the city of Galveston now in force, or that shall hereafter be passed, providing for public improvements and the use of streets and public highways, for street cars.

SEC. 17. That the rights herein granted shall not conflict with the rights of the Gulf City Street Railway and Real

Estate Company, or those of the Galveston City Railway Company.

[Approved November 17, 1891.

CHAPTER LXXV.

GRANTING TO THE UNITED STATES OF AMERICA THE RIGHT TO CONSTRUCT AND MAINTAIN JETTY WORKS IN THE CITY OF GALVESTON.

SECTION 1. That there is hereby granted to the United States of America the right to construct and maintain a system of jetty works for the purpose of harbor improvements, over and along any and all streets, alleys and public ground, under the control of the city, at any point or point east of Ninth street and north of Avenue A, eastwardly to the bar, upon such line or lines as may be determined by the United States engineer in charge of harbor improvements in Galveston.

Passed under a suspension of the rules at regular meeting of the city council, August 20, 1888.

Note.—This ordinance, having neither been approved or disapproved by the mayor, within the time prescribed by the charter, becomes a law without his signature.

DANIEL J. BUCKLEY,
City Clerk.

CHAPTER LXXVI.

GRANTING CERTAIN RIGHTS TO THE TEXAS MEDICAL COLLEGE AND HOSPITAL.

SECTION 1. That the north half of block numbered six hundred and eighty-eight, with the buildings and improvements thereon, together with the two-story building on the south half of said block, and now occupied by the board of trustees of the public free schools for school purposes, be and the same are hereby demised and leased to the Texas Medical College and Hospital, a corporation duly incorporated under the laws of the State for the term of ten years, subject to the terms and conditions hereinafter stipulated.

SEC. 2. The two-story building situated on the south half of block 688, as aforesaid, shall remain in the occupation, use

and possession of the board of trustees of the public free schools until the expiration of the present scholastic term, after which the said Texas Medical College and Hospital shall immediately remove the same to the north half of said block at their own expense.

SEC. 3. The hospital building recently removed to the north half of said block 688, and now occupied by the board of trustees of the public free schools for school purposes, shall remain in the occupation of the said board of trustees until February 1, 1889.

SEC. 4. That whenever the medical department of the University of Texas shall be established and organized in the city of Galveston, in case the same shall be done before the expiration of this lease, then in that event this lease shall terminate, and the city of Galveston shall have the right to enter and take possession of said premises.

SEC. 5. This lease or grant is made for the purpose of putting in operation a medical school; and any diversion of the same for other purposes than herein provided, or any subletting of the same shall cause the same to terminate.

SEC. 6 That in consideration of this grant or lease, the said Texas Medical College and Hospital undertakes, stipulates and agrees to keep the buildings herein leased fully insured for the benefit of the city of Galveston, during the existence of said lease; and they further undertake, stipulate and agree to keep the buildings and fences on said grounds in repair—ordinary wear and tear, fires, and the acts of God excepted.

Passed under a suspension of the rules at regular meeting, March 19, 1888.

[Approved March 20, 1888.

MEMORANDA OF CORRECTION.

In the within ordinance, granting a lease to the Texas Medical College and Hospital, the City Hospital block, the property therein leased, by clerical mistake is numbered block 688, when it is, in fact, No. 668, and should have been so described in said instrument. The purpose of this memoranda being to correct said error.

R. L. FULTON,
Mayor.

Attest:

DANIEL J. BUCKLEY, City Clerk.

We, the undersigned executive committee of the trustees of the Texas Medical College and Hospital, join in the above correction, and accept the said lease with all its conditions and stipulations.

C. W. TRUEHEART,
J. F. Y. PAINE,
HENRY P. COOKE,
A. W. FLY.

CHAPTER LXXVII.

DONATING BLOCK 668 TO THE UNIVERSITY OF TEXAS.

Whereas, on May 27, 1887, Rebecca Sealy and George Sealy, executors of the late John Sealy, tendered to the city of Galveston the sum of $50,000, to be used in the erection of a building for a medical hospital for the indigent sick of said city, on the grounds to be furnished by the city, accompanying said tender by an expression of their consent to the transfer of said donation by the city to the University of Texas, in the event that the medical department of said university should be practically established at Galveston; and said tender was accepted by the city, and the south half of block 668 in said city dedicated for the use and erection of said Sealy hospital, and a building committee appointed with power to execute the object of said donation of said executors, and to receive and disburse said donations, by an ordinance of this city, approved September 6, 1887; and

Whereas, an act of the legislature of the State of Texas, passed ——— ———, 1888, $50,000 was appropriated and set apart to be used in the construction of buildings for the medical branch of the University of Texas at the city of Galveston, provided that the said city should donate to the University of Texas block No. 668 in said city, to be used for the medical branch of said university, and that the executors of the estate of John Sealy, deceased, should agree to construct on said block, at a cost of not less than $50,000, a medical hospital, to be donated, on completion, to the medical branch of the University of Texas, and to be under the control of the board of regents of said university; and,

Whereas, it is considered that the city of Galveston ought, in consideration of the said appropriation made by the State, conform on its part to the provision and condition therein named to be by it assented to and performed, in order to secure the immediate establishment and organization of said medical branch at Galveston, as contemplated by said act of the legislature; therefore,

SECTION 1. Be it ordained by the city council of the city of Galveston: That block 668, in said city of Galveston, be and is hereby donated to the University of the State of Texas, to be used for the medical branch of said university.

[Approved June 18, 1888.

CHAPTER LXXVIII.

GRANTING TO THE GALVESTON JETTY RAILWAY COMPANY THE RIGHT OF WAY OVER CERTAIN STREETS IN THE CITY OF GALVESTON.

SECTION 1. That there is hereby granted to the Galveston Jetty Railway Company the right to construct, maintain and operate a steam railway, with the necessary tracks, switches and turn-outs in the city of Galveston, to-wit: Upon and along Avenue A, from Tenth street to the eastern limit of the city; and from a point on Avenue A at Fourth street along and across all streets and avenues to the east end of Galveston island at or near the quarantine station; and thence along and over the jetties to deep water in the Gulf of Mexico.

SEC. 2. The grant herein made shall extend only to so much of the streets and alleys as the city of Galveston has the right to grant to railroads under the laws of the State.

SEC. 3. The grant herein made shall not include any right to enter upon any private property without the consent of the owner thereof, or a legal condemnation of the same in accordance with the laws of the State.

SEC. 4. The rights, duties and obligations of said railroad company over the right of way herein granted shall be governed by the general laws of the State, when not otherwise provided by the ordinances of the city.

SEC. 5. The right to regulate the grade of said tracks and crossings over the same at streets and alleys, for sanitary, police or other municipal or economical purposes, over the

right of way herein granted, is especially reserved to the city of Galveston; and in constructing and maintaining said tracks, said company shall, as far as practicable, restore the streets to the condition in which they now are, and shall at all intersections of streets, where the streets are now filled or may be hereafter filled, erect and maintain suitable and sufficient crossings over said tracks.

SEC. 6. That said railway company undertakes to hold the city of Galveston harmless, and indemnify it against all suits, costs expenses and damages that may arise out of this grant or by reason of its occupation and use of the right of way herein granted.

SEC. 7. That said railway company shall permit switches and connections to be made with their railway tracks by all wharf owners or operators upon the same or equal terms, without discrimination.

SEC. 8. That the said railway company shall commence their railway tracks along Avenue A within one year, and complete the same as soon thereafter as practicable, unless prevented by suit or process of law, in which latter event the delay occasioned shall not be estimated or counted against said company.

[Approved June 4, 1888.

CHAPTER LXXIX.

GRANT TO GEO. ANDERSON OF R. P. SARGEANT & CO.

SECTION 1. That Geo. Anderson, of R. P. Sergeant & Co., is hereby granted the right to construct a side-track from some point on Mechanic street between Thirty-third and Thirty-fourth streets, on main line of the Gulf, Colorado & Santa Fe railway on Mechanic street, along Mechanic street and across Thirty-third street so as to intersect west line of block No. 572; and from east line of block 572 across Thirty-second street so as to intersect west line of block 571. Also from main line of Missouri Pacific track across Thirty-third street so as to intersect west line of block 572; and from east line of block 572 across Thirty-second street so as to intersect west line of block 571; and to maintain same and run

railway cars thereon, and subject to all ordinances governing railroads in the city of Galveston.

SEC. 2. The sidetrack herein provided for shall be constructed under the supervision of the city engineer, who shall cause the same to be done so as not to obstruct in any manner the streets, sidewalks and gutters. The city reserves the right to remove said sidetracks and restore the streets and sidewalks at any time at the expense of the owner of the same.

[Approved March 20, 1888.

CHAPTER LXXX.

GRANT TO THE GALVESTON CITY RAILROAD COMPANY AND GULF CITY RAILWAY AND REAL ESTATE COMPANY.

Authorizing the Galveston City Railroad Company and the Gulf City Railway and Real Estate Company to Operate Their Lines of Railway by Electric Power, and to Occupy and use Certain Streets, and Describing the Conditions Thereof.

SECTION 1. The Galveston City Railroad and the Gulf City Railway and Real Estate Company are hereby authorized to operate their lines of railway or any part thereof by electricity, and are hereby authorized to erect a system of overhead wires for the purpose of conducting the electric current to operate motors and to propel cars from such electric current generating stations as may be required, and are authorized and empowered to use the rails and earth for the return circuit, or may use a metallic return circuit for that purpose. Said companies may from time to time make all needful changes in the construction of its roads, including curves, turnouts, switches, connections with its car sheds and power houses, and erection of posts or poles. Said posts or poles shall be of a design to be approved by the committee on streets and alleys, and placed along the curbs of the streets or in the center of the streets as the committee on streets and alleys may determine, to carry overhead wires, or whatever else may be necessary, requisite and convenient to carry said power into practical effect upon or along the streets and

alleys where said lines are now constructed or may hereafter be authorized to be constructed under existing ordinances, including this ordinance.

SEC. 2. Recognizing that there is an element of danger in the use of electricity as a motor, the city enjoins upon the railroad companies, and each of them, that they will use the utmost vigilance to prevent accidents to life and property; they will keep their system of overhead wires in perfect order, and set the poles firmly in the ground, under the supervision of the city engineer.

SEC. 3. The city reserves the right of calling the attention of the railroad companies, or either of them, to any defect in their poles or wires that may threaten danger, and the railroad company shall remedy same within three hours after said notice; otherwise the city shall move or repair said poles or wires at the cost of said company.

SEC. 4. This ordinance shall be subject to such changes and restrictions as may be embodied in future ordinances, providing against the danger, and insuring the safety of electricity as a motor.

SEC. 5. It is especially enjoined by the city of Galveston that the railroad companies shall not, either in the construction or operation of their electric system, interfere in any way with the lines of the city's electric light or fire alarm telegraph.

SEC. 6. That the said railway companies, and each of them, shall at all times hold harmless and indemnify the city of Galveston against all suits, damages, costs and expenses that may arise or grow out of the exercise by the said companies of the privileges herein and hereby conferred.

Passed under a suspension of the rules at regular meeting held Monday, September 1, 1890.

Approved September 2, 1890.

R. L. FULTON,
Mayor.

Attest:

DANIEL J. BUCKLEY, City Clerk.

CHAPTER LXXXI.

GULF, COLORADO & SANTA FE RAILWAY COMPANY.

SECTION 1. That section 4 of an ordinance passed August 17th, 1885, entitled, "Grant to the Gulf, Colorado and Santa Fe Railway Company," the same being printed as chapter 45 of the Revised Ordinances, printed by the city of Galveston in 1893, pages 364 and 365 thereof, be and the same is hereby repealed; and the grant to the said Gulf, Colorado and Santa Fe Railway Company made in the said ordinance is hereby confirmed free from the condition mentioned in said section 4, which is repealed; that section 3 of an ordinance approved February 7th, 1891, entitled, "Grant to the Gulf, Colorado and Santa Fe Railway Company," same being printed as chapter 48, Revised Ordinances of the said city, published in 1893, be and the same is hereby repealed.

SEC. 2. The right is hereby granted to the Gulf, Colorado and Santa Fe Railway Company to extend two sidetracks—which it is now entitled to construct and maintain on Strand under and by virtue of sections 1 and 2 of the said ordinance approved August 17th, 1885, referred to in section 1 hereof—commencing from its present track on Strand street, between Twenty-seventh and Twenty-ninth streets, at any points between said streets, to and across Twenty-seventh street to block 686, and to consruct and forever maintain the same.

SEC. 3. The right is hereby granted to the Gulf, Colorado and Santa Fe Railway Company to take possession of, and exclusively use and enjoy, so much of Twenty-sixth street as lies between the south line of blocks Nos. 686 and 685 on Strand, and the south line of the alley dividing the said blocks, and to construct and maintain all railroad tracks, passenger sheds, and other structures or improvements necessary for the convenient use of the said blocks 686 and 685, for the purpose of a passenger depot; said part of said Twenty-sixth street being hereby closed to public use and set apart exclusively for the use of the said railway company for the purpose of a passenger depot, and the necessary tracks and appurtenances thereto.

SEC. 4. If the Gulf, Colorado and Santa Fe Railway Company shall fail, within eighteen months from the passage

hereof, to construct a passenger depot with the necessary passenger tracks and sheds, the same to cost not less than the sum of $50,000, or if the said railway company shall thereafter abandon the use of the said property for the purposes of a passenger depot then the rights granted to the said railway company shall cease and determine.

SEC. 5. The said Gulf, Colorado and Santa Fe Railway Company may transfer and assign to any corporation, which may hereafter be formed, for the purpose of constructing or owning and operating a union passenger depot, on any part of the said blocks Nos. 686 and 685, all of the rights herein granted to the said Gulf, Colorado and Santa Fe Railway Company, and any part of its tracks on said Strand street, in which case the said depot company shall hold the said rights subject to the conditions of section 3 hereof.

SEC. 6. The Gulf, Colorado and Santa Fe Railway Company shall permit all railway companies, to-wit, the Galveston, Houston and Henderson, the International and Great Northern Railway, the Missouri, Kansas and Texas, and the Galveston, Houston and La Porte Railway, now entering Galveston, to use said depot and all tracks on Strand street, from Twenty-seventh to Thirty-seventh streets, on reasonable terms, and shall permit the same to be used on such terms by other railways hereafter entering Galveston; provided, that said company shall not be required to allow more roads to use said depot than the south half of said blocks will conveniently and reasonably accommodate; this proviso not to exclude any railway company specifically named herein.

SEC. 7. That said Gulf, Colorado and Santa Fe Railway Company, or other corporation that may be formed for the purpose of constructing or owning said union passenger depot, undertakes to hold the city of Galveston harmless, and indemnify it against all suits, costs, expenses and damages that may arise or grow out of this grant, or by reason of its occupation and use of the right of way and franchise herein granted, and undertakes and agrees to, and does, in acceptance thereof, waive all claims of title to said portion of the 26th street hereby closed, by reason of possession, limitation or otherwise.

[Approved January 30, 1896.

CHAPTER LXXXII.

GULF, COLORADO AND SANTA FE RAILWAY COMPANY.

SECTION 1. That section 6 of the ordinance passed January 30, 1896, entitled, "An ordinance repealing section 4 of the ordinance passed August 17th, 1885, entitled, Grant to the Gulf, Colorado and Santa Fe Railway company, the same being printed as chapter 45, Revised Ordinances, published by the city in 1893; and repealing section 3 of the ordinance of February 7th, 1891, entitled, Grant to the Gulf, Colorado and Santa Fe Railway company, the same being printed as chapter 48 of the Revised Ordinances, published by the city in 1893, and granting to the Gulf, Colorado and Santa Fe Railway company the right to extend two sidetracks from its present track on Strand street, across Twenty-seventh street to block 686, and granting to the said company the exclusive use of a part of Twenty-sixth street," be and the same is hereby amended, so that the same shall hereafter read as follows:

SEC. 6. The Gulf, Colorado and Santa Fe Railway company shall permit the Galveston, Houston and Henderson Railroad company, the International and Great Northern Railroad company, the Missouri, Kansas and Texas Railway company of Texas, and the Galveston, La Porte and Houston Railway company, and all railway companies hereafter entering Galveston, to use the said depot and all tracks on Strand street, from Twenty-seventh street to Thirty-seventh street, and into said depot, for the purpose only of running their passenger trains to and from said depot, on reasonable terms; provided, that the said Gulf, Colorado and Santa Fe Railway company shall not be required to allow more roads to use said depot than the south half of said blocks will conveniently and reasonably accommodate; this proviso not to exclude any railway company specifically named herein.

SEC. 2. That the said ordinance, and each and every section thereof, passed January 30th, 1896—section six (6) whereof is amended by this ordinance—shall be void and of no effect unless said union depot is ready for occupancy and use within eighteen (18) months from date hereof.

Passed under suspension of the rules at regular meeting of the council, February 17th, 1896.

CHAPTER LXXXIII.

GRANT TO THE GULF, COLORADO AND SANTA FE RAILWAY COMPANY.

ARTICLE —. That the Gulf, Colorado and Santa Fe Railway company is hereby authorized to construct, operate and maintain an oil tank with a capacity of about one million gallons, on block No. five hundred eighty-three (583), in the city of Galveston; said tank to be constructed of steel, iron or other metal; provided, that there shall be constructed around said block a reservoir of greater capacity than said oil tank, so that in the event that said oil tank may burst, or any other accident may happen to same, that the oil that may be contained therein will be caught and held in such reservoir; and provided further, that the said embankment or dike of said reservoir may occupy twenty-seven feet of the sidewalk and street around said block, and that the said reservoir shall be constructed on plans to be approved by the city engineer.

ART. —. Said railway company is hereby granted authority to construct, operate and maintain an oil tank, with a capacity of about twenty thousand (20,000) gallons, on block 640, in the city of Galveston.

[Approved August 19, 1901.

CHAPTER LXXXIV.

GRANT TO GALVESTON CITY RAILROAD COMPANY.

SECTION 1. There is hereby granted to the Galveston City Railroad company the right to set poles, pin-abutments, wires and other necessary fixtures, along the streets and alleys of the city of Galveston, for the purpose of furnishing electric light and power, subject to the regulations hereinafter provided.

SEC. 2. The poles, pin-abutments, wires and other necessary fixtures shall be so set, constructed and operated as not to obstruct or interfere with the convenient use of the streets by vehicles or persons on foot.

SEC. 3. The wires shall be strung so as not to interfere with any of the city fire alarm or city electric light wires.

SEC. 4. The right is hereby reserved to the city at any time to direct any alteration in the location of the poles, or in the height at which the wires shall be run.

SEC. 5. The said company shall, at all times, have on deposit with the city treasurer a sum not less than fifty dollars, subject to the order of the city engineer, to be used by him in restoring any sidewalk, gutter, street or alley pavement displaced or injured in the setting or removal of any pole set or removed by said company or for the changing of the location of any of the poles of said company whenever said company fails or refuses to make said alteration to the satisfaction of the city council.

SEC. 6. The said company shall, at all times, permit the city to use and occupy the top cross-arm of any pole erected or to be erected for fire, police or municipal telegraph or telephone purposes free of charge.

SEC. 7. The said company shall become solely responsible and hold the city harmless against all damages growing out of the use of its streets and sidewalks under the provisions of this ordinance.

SEC. 8. This grant of license is made subject to the charter and ordinances of the city of Galveston, as the same now are or may hereafter be.

SEC. 9. That a consolidation, combination or joining with or uniting with any other company or corporation by the Galveston City Railroad company shall of itself forfeit the rights and privileges hereby granted.

SEC. 10. That the rights, privileges and licenses hereby granted shall not be transferred or assigned without the consent of the city council of the city of Galveston, and such transfer or assignment without such consent shall of itself forfeit the rights, privileges and licenses hereby granted.

SEC. 11. That whenever the charges fixed by said company for lights shall become unreasonable, or beyond what such lights can reasonably be supplied, then the city council reserves the right to fix a maximum rate to be charged by said company either for light furnished to the city or to private consumers.

SEC. 12. That the said rights, privileges and franchises are hereby granted for the term of twenty-five years from the passage of this ordinance, upon condition that the said company signifies its acceptance in writing, to be filed with the city clerk,

of all of the terms and all of the provisions of this ordinance, within thirty days after its passage.

Passed under suspension of the rules at a regular meeting, February 21, 1895.

CHAPTER LXXXV.

GRANTING FRANCHISE TO GALVESTON CITY RAILROAD COMPANY.

SECTION 1. That the right, privilege and franchise of constructing and operating a single track of street railway in the center of Avenue G, from a connection with its present track in Avenue G, near the east side of Fortieth street, to Forty-first street, and there curving to the south and joining with its present track on said Forty-first street, is hereby granted to the Galveston City Railroad company.

SEC. 2. That this grant is made subject to all the provisions of the ordinance passed by this council on Monday, September 1st, 1890, and approved on September 2d, 1890.

SEC. 3. This grant is made for the term of thirty (30) years.

Read the first time at a regular meeting, held August 21, 1899.

Read the second time and passed, under a suspension of the rules, same day, August 21, 1899.

[Approved August 25, 1899.

CHAPTER LXXXVI.

GRANT TO THE GALVESTON CITY RAILWAY COMPANY.

SECTION 1. Be it ordained by the city council of the city of Galveston, That the right is hereby granted the Galveston City Railway company, its successors and assigns, to construct and maintain a pipe line on Twentieth street, from Avenue I to the northern terminus of said Twentieth street, on the bay, for the purpose of carrying or transporting oil from the power house of said company, to be located on the south half of block two hundred and sixty. Said pipe line shall be laid at least two and a half feet below the crest of the street, and the said Galveston City Railway company shall restore the street to the same condition as it may be in just before the construction of its pipe line. All work herein specified shall be done under the supervision of the chief engineer.

SEC. 2. Permission is hereby granted to the Galveston City Railway company, first securing the right to do so from the Galveston Wharf company, to construct and maintain at any point on Twentieth street, north of Avenue A, an oil tank for the reception and storage of oil, and permission is hereby granted to said company to construct and maintain on its property, same being the said south half of block two hundred and sixty, an oil tank for the storage of oil.

[Approved August 21, 1901.

CHAPTER LXXXVII.

GRANT TO THE GALVESTON CITY RAILWAY COMPANY.

SECTION 1. Be it ordained by the city council of the city of Galveston, That the right be and is hereby granted to the Galveston City Railway company to lay and forever maintain a pipe line from a point of connection with its present pipe line in Winnie street, and thence along Twentieth street to the northern end of Twentieth street, to pier 20. Said pipe line shall be laid two and one-half feet under the crest of the street.

SEC. 2. Within six months from the passage of this ordinance the said Galveston City Railway company shall remove its present pipe line on Winnie street, between Nineteenth and Twentieth streets, and on Nineteenth street to the bay, and on its failure so to do this ordinance shall become void.

SEC. 3. The work of laying and maintaining said new pipe and of removing the pipe required to be removed by section 2, shall be done under the direction and supervision and to the satisfaction of the city engineer, and the said Galveston City Railway company shall restore the streets and pavements, if any thereon, to as good condition as the same were in before the commencement of the work herein specified.

[Approved August 21, 1901.

CHAPTER LXXXVIII.

GRANT TO CHARLES F. HOTCHKISS, PURCHASER OF THE GALVESTON CITY RAILROAD COMPANY.

SECTION 1. That there be and is hereby granted to Charles E. Hotchkiss, the purchaser of the railways, rights, privileges,

franchises and other property of the Galveston City Railroad company, at the sale thereof under decrees of the Circuit Court of the United States for the Eastern district of Texas, at Galveston, in equity cause No. 337, and purchaser of the railways, rights, privileges, franchises and other property of the Gulf City Street Railway and Real Estate company at the sale thereof, under decrees of said court in equity cause No. 338, and to his assigns, and to any corporation that may be organized under the laws of the State of Texas by him or by his associates or assigns for that purpose, and its successors or assigns, the right, privilege and franchise of acquiring, owning, repairing, maintaining and operating the street railways, with the rights, privileges, franchises and other property appertaining thereto, heretofore owned and operated by the Galveston City Railroad company and by the Gulf City Railway and Real Estate company, or either of them, on, across and along the following streets and avenues in the city of Galveston, Texas, and as follows, to-wit:

On Avenue C or Mechanic street a double track, extending from Twenty-first street to Twenty-fifth street, with a double track connecting curve from south to west at Twenty-first street, from east to south at Twenty-second street, and from east to south at Twenty-fifth street.

On Avenue D or Market street, a single track extending from about midway between Seventh and Eighth streets westwardly to Tenth street; thence a double track westwardly to Thirty-third street with two single track connecting curves, one from east to south, and one from west to south, at Twenty-first street, and a double track connecting curve from east to south at Thirty-third street.

On Avenue E or Postoffice street, a single track from Twenty-first street to Twenty-ninth street, with a single track connecting curve from south to west at Twenty-first street, from north to east at Twenty-fifth street and from east to south at Twenty-ninth street.

On Avenue F or Church street, a single track, extending from Twenty-second street westwardly to Forty-first street, with a single track connecting curve from north to west at Twenty-second street, from east to south at Twenty-seventh street and

from east to south at Forty-first street; also two single track connecting curves at Thirty-third street, one from east to south, the other from north to west.

On Avenue G or Winnie street, a single track, extending from Twenty-second westwardly to Forty-first street, with a single track connecting curve from north to west at Twenty-second street, from east to south at Twenty-seventh street, one from north to west and one from east to south at Thirty-third street, and one from east to south at Fortieth and Forty-first streets; also on Avenue G a single track from Eighth street westwardly to Twenty-second street, with a single track connecting curve from south to west at Eighth street and from east to north at Twenty-first street.

On Avenue H, a single track extending from Eighth street westwardly to Twenty-second street, with a single track connecting curve from north to west at Eighth street and from east to north and from east to south at Twenty-first street, and from east to north at Twenty-second street.

On Avenue J or Broadway, a double track from Sixth street westwardly to Fortieth street and a single track from Fortieth street to Forty-first street, with two double track connecting curves, one from north to east and one from north to west at Twenty-first street; a single track connecting curve from west to north at Twenty-second street and from east to south at Twenty-ninth street, one double track connecting curve from east to south, one single track connecting curve from north to west and one from west to south at Fortieth street, and one single track connecting curve from north to east at Forty-first street.

On Avenue L a single track from Eighth street westwardly to Twenty-second street with a single track connecting curve from east to north at Twenty-first street and at Twenty-second street; also on Avenue L from Twenty-second street to Forty-first street with a single track connecting curve from north to west at Twenty-second street, one from east to north and one from north to west at Fortieth street, and one from east to south at Forty-first street.

On Avenue M a single track from Twenty-ninth street to Thirty-first street with a single track connecting curve from

north to west at Twenty-ninth street and from east to south at Thirty-first street.

On Avenue O a single track from Twenty-ninth street westwardly to Thirty-seventh street, with a single track connecting curve from north to west at Twenty-ninth street and Thirty-first street and from east to south at Thirty-seventh street.

On Avenue Q a double track from Twenty-first street westwardly to Twenty-seventh street, with double track connecting curves from north to west at Twenty-first street, from east to north and west to north at Twenty-fifth street, and from east to north and from west to north at Twenty-seventh street, and also a single track on Avenue Q from Twenty-seventh street westwardly to Thirty-third street, with a double track connecting curve from north to west at Twenty-seventh street and a single track connecting curve from east to north at Thirty-third street; also on Avenue Q a single track from Fortieth street to Forty-first street, with one single track connecting curve from north to west at Fortieth street, and two single track connecting curves, one from east to south and one from east to north at Forty-first street.

On Avenue R a double track extending from Forty-first street to Fifty-third street, with a double track connecting curve from north to west at Forty-first street and from east to south at Fifty-third street.

On Avenue T½ a single track from Fifty-third street to Fifty-sixth street, with a single track connecting curve from north to west at Fifty-third street and from east to south at Fifty-sixth street.

On Avenue V½ a single track from Fifty-third street to Fifty-sixth street, with a single track connecting curve from north to west at Fifty-third street and from east to north at Fifty-sixth street.

On Twenty-first street a single track from the south side of Avenue B for one-half block, then a double track southwardly to Avenue Q, there connecting with the double track on Avenue Q with a single track connecting curve from north to east and from south to east at Avenue G; single track connecting curves, one from east to south and one from west to south at Avenue D, one

from north to east and one from south to east at Avenue H, and with barn curves between Avenue H and Avenue I; two double track connecting curves from north to east and from north to west at Avenue J and a single track connecting curve from north to east at Avenue L and double track connecting curves from north to west at Avenue Q.

On Twenty-second street a single track from the south side of Avenue B southwardly one-half block, then a double track southwardly to Avenue L with a double track connecting curve from east to south at Avenue C, a single track connecting curve from west to south at Avenue C, a single track connecting curve from north to west at Avenue F and at Avenue G and from north to east at Avenue H, and from north to west at Avenue J, and two single track connecting curves at Avenue L, one from north to west and one from north to east.

On Twenty-fifth street a double track from Avenue C southwardly to Avenue Q, with a double track connecting curve from east to south at Avenue C and from north to east and north to west at Avenue Q; also a single track connecting curve from north to east at Avenue E.

On Twenty-seventh street a single track extending from Avenue F southwardly to Avenue N; thence a double track to Avenue Q, with a single track connecting curve from east to south at Avenue F and at Avenue G; also a double track connecting curve from west to south and from north to east at Avenue Q.

On Twenty-ninth street a single track from Avenue E to Avenue O, with a single track connecting curve from east to south at Avenue E and at Avenue J, and also from north to west at Avenue M and at Avenue O.

On Thirty-first street a single track from Avenue M to Avenue O, with a single track connecting curve from east to south at Avenue M and from north to west at Avenue O.

On Thirty-third street a double track from Avenue D to Avenue G; a single track from Avenue G to Avenue N½; a double track from Avenue N½ to O; a single track from Avenue O to Avenue Q, with a double track connecting curve from east to south at Avenue D, two single track connecting curves, one from north to west and one from east to south, at Avenue F; two

single track connecting curves, one from north to west and one from east to south, at Avenue G, and a single track connecting curve from north to east at Avenue Q.

On Thirty-seventh street a single track from Avenue O to Avenue R, with a single track connecting curve from east to south at Avenue O.

On Fortieth street a single track from Avenue G to Avenue J; thence double track to Avenue L; thence single track to Avenue Q, with a single connecting curve from east to south at Avenue G; a single track connecting curve from north to west and from west to south and a double track connecting curve from east to south at Avenue J; two single track connecting curves, one from north to west and one from east to north, at Avenue L; Three barn and one yard curve between Avenue L and Avenue M and a single track connecting curve from north to west at Avenue Q.

On Forty-first street a single track from Avenue F to Avenue J, with a single track connecting curve from east to south at Avenue F and from north to east at Avenue J; also on Forty-first street a single track from Avenue L to Avenue Q; thence a double track from Avenue Q to Avenue R with a single track connecting curve from east to south at Avenue L, two single track connecting curves, one from north to east and one from south to east, at Avenue Q, and a double track connecting curve from north to west at Avenue R.

On Fifty-third street a double track from Avenue R southwardly to Avenue S; thence a single track southwardly to Avenue V½, with a double track connecting curve from east to south at Avenue R and a single track connecting curve from north to west at Avenue T and at T½.

On Fifty-sixth street a single track from Avenue T½ southwardly to Avenue V½, with a single track connecting curve from east to south at Avenue T½ and from north to east at Avenue V½.

Together with all necessary switches, sidetracks, turnouts, crossovers, poles, wires, machinery, sheds, power houses, real estate and other suitable works and structures in connection with

said railways and with the right to own and operate the same as an entirety.

SEC. 2. That the grantees herein and any person or corporation hereafter purchasing or owning the street railways described in the preceding section, be and they are hereby authorized and empowered to use electricity as a motive power in running and operating cars on and over said lines of railway and to supply at reasonable prices electric light and power to the inhabitants and to the city of Galveston, and to that end shall have the right and are hereby authorized to set and maintain poles, pins, abutments, wires and other suitable fixtures on, along and across any of the streets and alleys of the city of Galveston, subject to the following regulations, to-wit:

(a) The poles used as herein provided shall be of sound timber, not less than five inches in diameter at the upper end, reasonably straight and of uniform size. All poles when placed shall be thoroughly painted with one coat of mineral paint of such colors as may be directed by the city or those designated by it, but in case said poles are creosoted, then the same need not be painted. Said trolley wires shall be run at a height of not less than eighteen feet above the grade of the street, and all other wires at a height of not less than twenty feet. Whenever the poles are erected on a street they shall be placed, in all cases when practicable, on the outer edge of the sidewalk, just inside the curbstone, and on the line dividing the lots one from the other, and in no case to be so placed as to obstruct the drainage of the street, or to interfere with or damage in any way the curbstone or other public or private property on the line of the street or alley where such poles shall be erected. All work of excavating, refilling and restoring the pavement shall be done at the expense of the owner of said railways under the supervision of the city engineer and to his entire satisfaction, and in all cases the pavement shall be restored as soon as possible and to the same condition as it was before.

(b) The right is hereby reserved to the city, at any time, to direct any alteration in the location of poles or in the height at which the wires shall be run, or in case the said wires and poles shall at any time be deemed a nuisance or obstruction by

the city council, to direct and compel the removal and change of the same so as to comply with the terms of this ordinance.

(c) The owners of said railways shall at all times keep on deposit with the city treasurer the sum of not less than fifty dollars, subject to the order of the city engineer, to be used by him in restoring any sidewalk, gutter, street or pavement displaced or injured in the erection, alteration or removal of any such poles whenever the owner fails or refuses to make such restoration to the satisfaction of the committee on streets and alleys and city engineer.

(d) The said owner shall at all times permit the city to use and occupy the crossarm of any pole erected, or to be erected, for fire, police or municipal telegraph or telephone purposes, free of charge .

(e) That said owner shall become solely responsible and hold the city harmless against all claims, suits, expenses and damages growing out of the use of electricity as a motive and lighting power, and the use of the streets, alleys and sidewalks, and the placing of its poles, wires and equipments and the use of all or any of said privileges and property under the provisions of this ordinance.

(f) Whenever the charges fixed by the owner of said properties for lights shall become unreasonable, or beyond what such lights can reasonably be supplied for, then the city council reserves the right to fix a maximum rate to be charged by said company either for light furnished to the city or to private consumers.

(g) Said wires and poles shall be constructed, maintained and operated in such a manner as to interfere in no way with the city's fire alarm and telegraph and electric light plants.

(h) Said grantees, their successors and assigns, shall not consolidate, or in any manner combine, their electric light and power business, rights, franchises or property with those of any other company.

(i) Whenever said city shall require any other company or person owning or operating wires in said city for supplying light or power, or both, to place the wires under ground, then and thereafter the said city shall have the right to require the grantee

herein and his successors and assigns to place under ground all wires used only for the purpose of supplying light and power to said city or the inhabitants thereof, and to pass all measures necessary and proper to that end.

Sec. 3. The grantees named and their successors and assigns shall at all times keep the roadbed of said railway in good repair and upon a level with the street, and when a street is raised or lowered the owners of said railways shall raise or lower their track and roadbeds to conform thereto; and whenever the city shall hereafter fill, grade, pave or otherwise improve any of the streets or avenues occupied by any of said tracks, then the owners of said tracks and of the rights hereby granted shall pay all expenses of filling, grading, paving or otherwise changing, improving and maintaining the street between the rails of their respective tracks, and between all double tracks and for the space of one foot on the outside of the rails; and shall also construct and keep in good repair all cross culverts, whenever the same may be required by the city, under their tracks, said culverts to extend across the streets from sidewalk to sidewalk, all of which work shall be done subject to the approval and under the direction of the city council, or such officer or committee as it may designate; and when the owners or operators of said railways shall fail to construct and keep in order the culverts, tracks and roadbeds, as required by this ordinance, the city shall have the right to cause them to be constructed or put in proper condition and repair at the expense of said owners or operators, and in the event of their refusal to pay the same the city may sue for the amount. The city at its option may require the owners or operators of said railway or railways to make the changes, improvements and repairs and do the work hereinbefore specified in this section, or the city itself may make, or cause to be made, said changes, improvements and repairs, and may do or cause to be done any or all of the work specified in this section, and the cost thereof, together with the expense of collecting the same, shall be a special tax and lien against the roadbed, ties, rails, fixtures, rights, franchises and property of such railways or railway companies, and they shall be due and collected by the city whenever and as soon as such improvements, changes and

repairs, or other work, are completed and accepted by the city council, it being the purpose hereof, and it being hereby expressly ordained that the said railways or railway companies shall in all instances either make all said changes, repairs, improvements and work at their own cost and expense, or, should the city so prefer, it may do or cause to be done the same in such manner and of such material as it may choose, and hold said railways and railway companies, and all of their said property, liable for the same with a valid first lien hereby conferred to and agreed to against all of said property of said railways or railway companies, to secure all costs and expenses incurred by said city in and about the changes, repairs and improvements and work hereinbefore designated.

SEC. 4. That the rate of fare shall not exceed 5 cents for each person over 5 years of age for one continuous carriage in the same direction by the car, or for the entire circuit of any belt line as heretofore or hereafter operated, or for such portion thereof as may be traveled by the passenger; and no fare shall be charged for the carriage of children under 5 years of age, unless they occupy seats in the car.

SEC. 5. Members of the police force and fire department of the city of Galveston, while in active service, shall not be required to pay any fare, and from the first day of May to the first day of September of each year there shall be established by the owners of said street railroad a station at some place to be designated by them on the street known as Twenty-first or Center street, where transfers without additional charge shall be furnished between the hours of 5 o'clock p. m. until the cars stop running for the day to all passengers traveling to or from the beach.

SEC. 6. That the powers, rights, privileges and franchises hereby granted and conferred shall exist and continue for a period of fifty years, from the 1st day of December, 1900, to December 1, 1950, at which time the same shall cease and determine, but on the first day of December, 1925, the city of Galveston shall have the option, right and privilege of purchasing all the street railways hereby authorized to be owned, maintained and operated, together with all the sidetracks, switches, crossovers, turnouts,

poles, wires, machinery, sheds, power houses and other appliances and properties of every character used or required in connection with said railways and the operation thereof, at the value of the same at that time, as such value shall be ascertained and determined by an appraisement or arbitration in the mode prescribed by the laws of Texas relating to arbitration; and if the said option, right and privilege of so purchasing shall not be exercised by the city of Galveston on said first day of December, 1925, then such option, right and privilege of so purchasing shall recur every five years thereafter until the expiration of the rights and franchises herein granted, as above provided.

SEC. 7. Whenever the gross income of the aforesaid street railways from passenger fares shall amount to three hundred thousand dollars per annum, or over, the city of Galveston shall have the right to pass appropriate ordinances requiring the said railroad company to furnish all passengers with transfers, who may be compelled to use two lines of said railroad company to reach their destination.

SEC. 8. That it is further ordained and provided as a condition of this grant that said grantee, or his assigns, or the corporation that may be organized under the laws of the State of Texas by him or his associates and assigns, shall and do hereby agree to pay or cause to be paid to the city of Galveston the amount of a certain decree entered March 22nd, 1900, in equity cause 337, entitled Guaranty Trust Co. of New York et al vs. Galveston City Railroad Co., in the Circuit Court of the United States for the Eastern district of Texas, at Galveston, the same being in favor of the city of Galveston, for $30,000.00, with interest thereon from March 22nd, 1900, at the rate of 6 per cent per annum, and all costs of suit (all of which is fully set forth in said decree, to which reference is hereby made, an appeal from which decree is now pending in the United States Circuit Court of Appeals for the Fifth circuit), the same being the value as claimed by the said city for its interest as a stockholder or mortgagee, or otherwise, in the Galveston City Railroad company and its property, under the contract with B. Rush Plumley and his associates, of May, 1866, and any contract or ordinance amendatory thereof, or supplemental thereto; and if the amounts above

specified shall not have been paid to said city of Galveston within thirty days from the date this ordinance shall take effect, then this grant, and all rights thereunder, shall cease and become void, without any further action on the part of said city; provided, however, that the said city, if said grantee or his assigns so desire, shall transfer and assign said decree, and all its rights and interest thereunder, to the grantee or his assigns, without recourse upon the city of Galveston, and the said city shall in its own name but for the use and benefit of said grantees or his assigns defend and resist in the said Circuit Court of Appeals the appeal now pending therein from the aforesaid decree of March 22nd, 1900; and provided further, that nothing herein contained shall be construed as a settlement of any other claim, right or lien asserted by said city of Galveston against said Galveston City Railroad company and other parties and property in equity causes Nos. 337 and 338.

SEC. 9. That the powers, rights, privileges and franchises hereby granted and conferred shall be and are in lieu of the powers, rights, privileges and franchises arising from and conferred by the contract between the city of Galveston and B. Rush Plumly and associates, entered into May, 1866, and also arising from and conferred by the following ordinances, to-wit: An ordinance making a grant to the People's Railway company, approved July 10, 1873, and amended March 3, 1875; ordinance making a grant to the Galveston City Railroad company, passed September 7, 1885; an ordinance making a grant to the City Railroad company, approved October 6, 1885, and an ordinance making a grant to the Galveston City Railroad company April 9, 1886; an ordinance making a grant to the Galveston City Railroad company, approved December 6, 1887; an ordinance making a grant to Francis D. Allan and associates, approved November 6, 1883; an ordinance making a grant to Francis D. Allan and associates, approved March 5, 1884; an ordinance making a grant to the Gulf City Street Railway and Real Estate company, passed April 22, 1884; an ordinance making a grant to the Gulf City Street Railway and Real Estate company, passed August 4, 1884; an ordinance making a grant to the Gulf City Street Railway and Real Estate company and revoking a grant

to the Galveston City Railroad company, or People's Railway company, approved September 9, 1885; an ordinance making a grant to the Gulf City Street Railway and Real Estate company, approved September 25, 1885; an ordinance making a grant to the Gulf City Street Railway and Real Estate company, approved October 6, 1885; an ordinance making a grant to the Gulf City Street Railway and Real Estate company, approved April 22, 1886, and an ordinance granting franchises to the Galveston City Railroad company, passed February 21, 1895, and all the said ordinances, resolutions, contracts or acts of said city of Galveston, hereinbefore named, and be and they are expressly repealed, this ordinance being hereby ordained and accepted as a complete substitute therefor, but without affecting any of the rights acquired by the purchaser under the decree and sale of the United States Circuit Court of the aforesaid railroad and properties, except as otherwise provided by this ordinance.

Passed December 17, 1900.

CHAPTER LXXXIX.

GRANT TO THE GALVESTON AND WESTERN RAILWAY COMPANY AND THE GALVESTON, LA PORTE AND HOUSTON RAILWAY COMPANY.

SECTION 1. The rights of way upon which to construct, maintain, own and operate a railroad, with such sidetracks, turnouts and switches as may be necessary, be and the same are hereby granted to the Galveston and Western Railway company, as follows:

To construct its tracks from Forty-third street westwardly along Postoffice street to the western limits of the city, with the right to curve northwardly from said Postoffice street to Avenue A; thence eastwardly along and upon Avenue A to the eastern limits of the city, with the right to connect its tracks with those of the Galveston, Houston and Henderson Railway company, the Gulf, Colorado and Santa Fe Railway company, and the Galveston Wharf company; also with the right to extend its tracks and switches north of Avenue A, so as to connect with the tracks of the Galveston Wharf company, and those of any and all other railroad companies now or that may hereafter be built upon said Avenue A, or north thereof.

SEC. 2. That the grant herein made shall extend only to so much of the streets and alleys as the city of Galveston has the right to grant to railroads under the laws of the State; and the ordinances and grants of and by the city of Galveston heretofore made and now in effect.

SEC. 3. That the rights of way hereby granted may be occupied, used and enjoyed by the Galveston and Western Railway company and by the Galveston, La Porte and Houston Railway company.

SEC. 4. The right to regulate the grade of said track and crossings over the same streets and alleys for sanitary, police or other municipal or economic purposes over the right of way herein granted, especially reserved to the city of Galveston and in constructing and maintaining said tracks, said company shall conform to and be governed by the charter and ordinances of the city, as the same are now or may hereafter be, and shall restore the streets to the condition required by the same, and shall at all intersections of streets where the streets are now used, or may be hereafter used, erect and maintain suitable and sufficient crossings, which crossings shall be constructed from curb line to curb line across said streets, and erect and maintain other means and devices for the safety of the public over and about said tracks, upon the request of the city council, at its own cost and expense, under the direction and supervision of the city engineer.

SEC. 5. That in the event that said railway company shall proceed to construct, maintain and operate a railway over the right of way herein granted, then any other railroad company desiring to participate in the ownership and operation of the same, it may do so by paying an equal pro rata of the cost of said railroad over the said right of way, and in case said railway companies cannot agree upon the cost of the said railroad upon terms satisfactory among themselves, then the same shall be determined by a board of arbitration, consisting of one arbitrator to be appointed by the city of Galveston and one arbitrator to be appointed by the railway company or companies owning or operating the same; and in case of disagreement of said arbitrators, they shall appoint an umpire to decide the matter; and should the said railway company or companies refuse to appoint

an arbitrator when applied to, then, in that case, the city council shall proceed to appoint two arbitrators who shall proceed to determine the matter as hereinbefore provided. It is the object of this section to make a general railroad over the right of way herein granted, to the end that all railway companies that may now or hereafter terminate in Galveston, so desiring, may acquire equal rights in the ownership and operation of said railroad.

SEC. 6. The said Galveston and Western Railway company and the said Galveston, LaPorte and Houston Railway company shall, within ten days from the passage of this ordinance, signify their acceptance in writing of each and every provision of this ordinance, and failure so to do on the part of either company within the time specified shall *ipso facto* work as a forfeiture of the rights herein granted.

SEC. 7. The privileges herein given are granted for the period of thirty years.

SEC. 8. The rights and privileges herein given are granted on the express condition that the construction of said roadbed from Forty-third street west on Postoffice street shall be begun within ninety-one days from the date of the passage of this ordinance; and the grading thereof shall be completed within six months from said date to the western limits of the city, and failure so to commence, or so to complete said work, shall *ipso facto* work a forfeiture of all the privileges and rights herein granted.

SEC. 9. That the privileges, rights, grants and franchises made and extended by this ordinance shall be in lieu of, as a substitute in full for, and conditioned upon a surrender of all privileges, rights, grants and franchises by the city of Galveston, heretofore at any time and in any manner made, given or extended either to the Galveston, Brazos and Colorado Narrow Gauge Railway company, the Texas Mexican Railway company or the Galveston and Western Railway company, on Ninth street between Avenues A and N, and on Avenue N between Ninth and Forty-third streets; and it is distinctly provided, agreed and understood that none of the privileges, rights, grants or franchises under this ordinance shall take effect or become operative, unless the said Galveston and Western Railway company shall, within ninety days from and after the date of the passage of this

ordinance, remove all its tracks, sidetracks, turnouts, switches, rails, crossties and all its other property from any and all portions of Ninth street and from all portions of Avenue N east of Forty-third street: and it is further distinctly provided, agreed and understood that by the acceptance of the grant made by this ordinance or by the exercise of any of the privileges or rights conferred by this ordinance, the said Galveston and Western Railway company thereby forever abandons and surrenders any and all right or claim of right to use or in any way occupy any portion of Ninth street and any portion of Avenue N east of Forty-third street.

Passed under suspension of rules at an adjourned regular meeting held April 6, 1895.

CHAPTER XC.

GRANT TO GALVESTON, LA PORTE AND HOUSTON RAILWAY COMPANY.

SECTION 1. That the right of way, together with the right, privilege and license of constructing, maintaining and operating a steam railway with all necessary and convenient switches, sidetracks, and connection is hereby granted to the Galveston, La Porte and Houston Railway company upon, over and along the following named avenues and streets, viz.: Upon, over and along Avenue E, from the western limits of the city eastward to the west line of Twenty-ninth street, together with the right to construct, extend, maintain and operate their railway from and between the most suitable and convenient points on said Avenue E north to Avenue A and south to any point on Avenue E west of Thirty-sixth street, for the purpose of making proper connection with existing railways, subject to the other provisions of this ordinance, on said streets or with those which may hereafter be constructed, together with the right to construct, maintain and operate their said railway, from such said points as is reached on Avenue A, upon, over and along Avenue A eastward to the eastern limits of the city, together with the right to make all suitable and necessary switches, sidetracks and connections with other railways north of Avenue E west of Thirty-sixth street, and north of Avenue E west of Twenty-ninth street, and north of Avenue A from the western to the eastern limits of the city of Galves-

ton, and with all warehouses, factories, cotton presses and wharfs as may be most convenient for the proper transaction of their business, and for all such purposes, the further right to cross over all intersecting streets or alleys.

SEC. 2. The grant hereby made shall be for the term of thirty-five years and shall extend only to such portions of avenues, streets and alleys and the use thereof as the city of Galveston has the right to grant to railways under the laws of the State and under the charter and ordinances of the city of Galveston, and grants privileges, licenses and franchises heretofore made by the city of Galveston to other persons or corporations.

SEC. 3. The grant hereby made is done with the express stipulation and agreement that work on the main track of said railway shall be commenced within thirty days and shall be continued to completion without unnecessary delay, and that the terms of this franchise as relates to switches, sidetracks and connections exist during the full term of this grant; provided, however, that the city of Galveston reserves to itself the right to declare and fix the location of such main tracks, switches, sidetracks and connections.

SEC. 4. The grant hereby made is done with the express stipulation and agreement that in case the said railway company shall construct such tracks, switches, sidetracks and connections as herein contemplated and set forth, and thereafter for any cause or reason shall fail to maintain and operate said track in full compliance with the rules and regulations and ordinances established by the city council of Galveston, or shall for a period of six months fail to maintain and operate such property, and then in such case all the rights and franchise herein conveyed shall revert to the city of Galveston without further process of law, and the said railway company by the acceptance of the terms of this grant in such last mentioned condition thereby waives all right to continue in the enjoyment of the said franchise and agrees that the city of Galveston may enter upon and remove all such tracks, switches, sidings and connections as may have been constructed by said railway company in said streets and alleys.

SEC. 5. The grant hereby made is done with the express stipulation and agreement that the said railway company, by accept-

ance of the same, agrees and undertakes to hold the city of Galveston harmless and indemnify it against all suits of whatsoever nature, costs, damages, claims and expenses that may arise or grow out of the occupation and use by said railway company of the right of way and franchise hereby granted.

SEC. 6. The rights, duties and obligations of said railway company over the rights of way hereby granted shall be governed and controlled by the general laws of the State, and the charter and ordinances of the city of Galveston as they now are or may hereafter be and the right to establish and regulate the grade and location of said tracks along, over and across said avenues, streets and alleys; also, the character and dimensions of all crossings, protection and drainage of the same, for sanitary, police or economic purposes, especially reserved to the city of Galveston, and all crossings so constructed shall be made and built from curb line to curb line.

SEC. 7. Before any of the terms of this grant may be used or enjoyed by said railway company, it shall signify its agreement to any acceptance of the ordinance and all its terms in writing, properly signed by its authorized president, and deposited with the clerk of the city of Galveston.

SEC. 8. That in the event said railway company shall proceed to construct, maintain and operate a railway over the right of way herein granted, then any other railway company desiring to participate in the ownership, management, control and operation of the same may do so by paying an equal pro rata of the actual original cost of said railway over said right of way, and thereupon said other company shall have equal control, ownership and management in the railway and its operations, and in case said railway companies cannot agree upon the cost of said railroad among themselves, then the same shall be determined by a board of arbitration, consisting of one arbitrator to be appointed by the company desiring to enter upon said railroad, and one arbitrator to be appointed by the grantee herein or its successor, and in case of the disagreement of said arbitrators then the city council of the city of Galveston shall appoint an umpire to decide the matter, whose decision shall be final and binding. And should the said railroad company or companies refuse to appoint

an arbitrator when applied to, then in that case the city council shall appoint two arbitrators who shall proceed to determine the matter as hereinbefore provided, or at the option of the council of the city of Galveston his franchise or license to become null and void, and said track shall be removed from said street or streets within thirty days from the date on which said council shall order said removal.

It is the object of this section to make a general railroad over the right of way granted herein, to the end that all railway companies that may now or hereafter terminate in Galveston, so desiring, may acquire equal rights in the ownership, management, control and operation of said railroad.

SEC. 9. The franchises, rights of way and all other privileges and easements granted to or conferred upon the said Galveston, LaPorte and Houston company by any of the provisions of this ordinance are, however, granted and conferred by the city of Galveston and are accepted by the said Galveston, LaPorte and Houston Railway company upon the express condition that neither the said Galveston, LaPorte and Houston Railway company nor its successors, nor its assigns, shall run, transport or operate, or permit or suffer to be run or transported or operated, its engines and cars, or any of them, or the engines and cars of any other railway company or corporation, upon or along the following streets of the city of Galveston, viz.: Avenue N and Ninth street; or make any connections with any railroad now on either of said streets, and by any such use, or attempted use, of the said Avenue N and Ninth street, or any portion of either of them, by the said Galveston, LaPorte and Houston Railway company, or its successors or assigns (except for the purpose of crossing Ninth street at its intersection with Avenue A), the said Galveston, LaPorte and Houston Railway company, or its successors or assigns, shall, without any suit or suits being instituted for that purpose, forfeit all franchises, rights of way and all other privileges and easements by this ordinance granted, and all such franchises, rights of way and privileges and easements shall thereupon immediately cease and determine and be incapable of resumption, and the city of Galveston shall have the right, without any suit or suits or other judicial proceedings, by and through

the mayor of said city, as hereinafter provided, to take possession of all of said streets of said city of Galveston over and along which the franchises, rights of way, privileges and easements are herein granted to the said Galveston, LaPorte and Houston Railway company, and remove therefrom the tracks, engines and cars, and all other property of the said Galveston, La Porte and Houston Railway company, or its successors or assigns, or in its or their possession or control.

SEC. 10. Any use or attempted use by the said Galveston, LaPorte and Houston Railway company, or its successors or assigns, or by any officer or officers, or agent or agents, or employe or employes, of the said Galveston, LaPorte and Houston Railway company, or its successors or assigns, of the said franchises, rights of way, privileges and easements, by this ordinance granted and conferred, after the said franchises, rights of way, privileges and easements have ceased and determined, as provided in the preceding section, shall be deemed and is hereby declared to be an unlawful obstruction of the streets of the said city of Galveston, and upon due conviction thereof such corporation, or person or persons, so offending shall be fined in any sum not less than ten and not more than one hundred dollars for each such offense, and any such person or persons shall also be liable to imprisonment for a period of time not exceeding fifteen days for each offense, in the discretion of the court trying said cause, and each day such offense shall continue shall be considered a separate offense.

SEC. 11. It shall be the duty of the mayor of said city, after said franchises, rights of way, privileges and easements have ceased and determined, as hereinbefore provided, to cause all of said property of the said Galveston, LaPorte and Houston Railway company, or its successors or assigns, or in its or their possession or control, to be at once removed from said streets along which said franchises and rights of way are herein granted; and should the said mayor deem it necessary, he shall order the chief of police, or other qualified officer, to proceed with a sufficient force to remove all said property therefrom, and said chief of police, or other qualified officer, as aforesaid, is hereby fully authorized and empowered to summon such force as he may deem

necessary to enforce the provisions of this ordinance, and to remove all said property and abolish all obstructions created thereby.

SEC. 12. All the provisions of this ordinance shall apply to and be binding upon each and every railway company availing itself of any of the franchises, rights of way or other privileges or easements granted by this ordinance, and the provisions of section 10 of this ordinance shall also apply to any officer or officers, agent or agents, employe or employes, of any such railway company violating the provisions of said section 10 of this ordinance.

SEC. 13. In the event the Galveston and Western Railway company shall hereafter be lawfully granted by the city council of the city of Galveston the right and authority to run engines and cars and transport freight and passengers upon or along said Avenue N from Forty-first street to Ninth street, of said city, and on Ninth street from Avenue N to Avenue A, of said city; or in the event said rights and authority be hereafter established in said Galveston and Western Railway company by the final judgment of any court of competent jurisdiction, rendered in any suit or suits now pending, or hereafter instituted, in which said Galveston and Western Railway company is or shall be a party, then sections 9, 10, 11 and 12 of this ordinance shall be null and void.

[Passed May 15, 1895.

CHAPTER XCI.

GALVESTON, LA PORTE AND HOUSTON RAILWAY COMPANY.

SECTION 1. That there is hereby granted to the Galveston, LaPorte and Houston Railway company a right of way across Sixteenth, Fifteenth, Fourteenth, Thirteenth, Twelfth and Eleventh streets of the city of Galveston, up to the western line of Tenth street of said city, for the purpose of locating, maintaining and operating on the way herein granted a steam railroad; the right of way herein granted being across said streets north of Avenue A, in the city and county of Galveston.

SEC. 2. Said railway company is hereby granted the right to close Eleventh, Twelfth and Thirteenth streets of said city north of Avenue A, and to use the same for yard room; provided, however, that said streets may at any time be declared open by the

city council of the city of Galveston, and upon such declaration being made by said city council said railway company shall remove any and all obstruction to the opening of said streets, except its tracks, which shall, however, as to grade and method of construction, be subject to the control and approval of the city engineer.

SEC. 3. This grant and each and every license or right herein or hereby conveyed to said railway company is made upon the express condition and with the distinct understanding, which condition and understanding is by the consideration of the privileges hereby granted, assented to and confirmed by said railway company, that said company will at its own proper cost and expense fill to grade said Thirteenth, Twelfth and Eleventh streets, beginning at such point on each of said streets north of Avenue A, and where the property of said company conveniences and proceeds as far north as said company may use said streets for the purposes enumerated in said ordinance. And in the event said company shall fail, refuse or neglect to fill said streets and each of them, to grade within one year from the passage of this ordinance, then and in that event each and every, all and singular, the privileges and rights hereby granted shall by said failure be canceled and annulled, and it shall not be necessary, to effect and bring about said cancellation and such annulment, for the city of Galveston to go into any court.

SEC. 4. And to evidence the assent and acceptance by said railway company of this ordinance and each and every of its terms, regulations and conditions, said railway company shall, within ten days from the passage hereof, and before it begins any work under the license and rights herein permitted, notify in writing the city clerk of the city of Galveston of its acceptance of this ordinance and each and every the term thereof.

[Passed July 15, 1895. Passed over veto July 23, 1895.

CHAPTER XCII.

GRANT TO THE GALVESTON, HOUSTON AND HENDERSON RAILROAD COMPANY.

SECTION 1. That there is hereby granted to the Galveston, Houston and Henderson Railroad company of 1882, the right of

way for the railway tracks of said company, and for maintaining and operating a steam railway thereon, with the necessary side-tracks and switches in the city of Galveston, Texas, as follows: Upon and along Avenue C or Mechanic street from Twenty-fifth street to Thirty-seventh street, and also the right to cross all intervening streets and alleys upon the line and right of way above specified.

That section 1 of an ordinance entitled "An ordinance to grant to the Galveston, Houston and Henderson Railroad company of 1882 the right of way along Avenue C or Mechanic street from Twenty-fifth to Thirty-seventh streets, in the city of Galveston, Texas, and across intervening streets and alleys along said right of way," introduced at a meeting of the city council of the city of Galveston on the 19th day of July, 1897, and referred to the committee on ordinances of said city, be hereby amended so that said section shall read as follows:

SECTION 1. That there is hereby granted to the Galveston, Houston and Henderson Railroad company of 1882 the right of way for the railway tracks of said company, and for maintaining and operating a steam railway thereon, with the necessary side-tracks and switches, in the city of Galveston, Texas, as follows: Upon and along Avenue C or Mechanic street from Thirty-seventh street to the east side of Twenty-seventh street; and also the right to cross all intervening streets and alleys upon the line and right of way above specified.

SEC. 2. The grant herein made shall extend only to so much of the streets and alleys as the city of Galveston has the right to grant to railroads under the laws of the State.

SEC. 3. The rights, duties and obligations of said railroad company, over the right of way herein granted, shall be governed by the general laws of the State and by the charter provisions of the said railroad company, and as otherwise provided in this ordinance.

SEC. 4. The right to regulate the grade of said tracks and crossings over the same at streets and alleys—for sanitary, police or other municipal or economic purposes—over the right of way herein granted is specially reserved to the city of Galveston; and in constructing and maintaining, said company shall restore the

streets to the condition in which they now are, and shall, at all intersections of streets, erect and maintain suitable and sufficient crossings over said tracks.

SEC. 5. That said railway company undertakes to hold the city of Galveston harmless and indemnify it against all suits, costs, expenses and damages that may arise or grow out of this grant or by reason of its occupation and use of the right of way herein granted.

SEC. 6. That it shall not be lawful for said Galveston, Houston and Henderson Railroad company, its agents, servants and employes, to stop, or cause to be stopped, upon any track or tracks of said company, constructed and laid down under and by authority of this ordinance, at the intersection of Thirtieth and Mechanic streets, or where such track or tracks intersect the track or tracks of any other railroad company, its locomotives or cars, for a longer period than three minutes at any one time, and upon a violation of this section of this ordinance, and upon complaint thereof to the chief of police of the city of Galveston, the said chief of police is hereby empowered and authorized, and it is made his duty, to remove or cause to be removed from such intersections the said locomotives and cars, at the cost and expense of the said Galveston, Houston and Henderson Railroad company.

[Approved August 19, 1897.

CHAPTER XCIII.

GRANT TO THE GALVESTON, HOUSTON AND HENDERSON RAILROAD COMPANY.

WHEREAS, The Galveston, Houston and Henderson Railroad company of 1882 has purchased from the Gulf, Colorado and Santa Fe Railway company a one-half interest in and to the first sidetrack north of the main line track of said Gulf, Colorado and Santa Fe Railway company, and being the sidetrack beginning at the east side of Forty-first street, at its intersection with Mechanic street; thence extending westwardly on said Mechanic street a distance of eleven hundred and eighty-one (1181) feet to the center of Forty-fourth street; also has purchased from the said Gulf, Colorado and Santa Fe Railway company a right of way fifty (50) feet in width across block five hundred and eighty-

four (584), in the city of Galveston, said right of way beginning at the northeast corner of said block and extending diagonally across said block to the southwest corner thereof; and also the right to connect said track, to be laid across said block, with the said sidetrack on said Mechanic street, at a point between Forty-third and Forty-fourth streets, and also the right to cross all intervening tracks of said Gulf, Colorado and Santa Fe Railway company to a connection with the tracks of the said Galveston, Houston and Henderson Railroad company on Market street, between Forty-fifth and Forty-sixth streets, in the said city of Galveston, Texas:

Now, therefore, be it ordained by the city council of the city of Galveston:

SECTION 1. That there is hereby granted to the said Galveston, Houston and Henderson Railroad company of 1882 the right of way over and along said Mechanic street and intervening streets from the east side of said Forty-first street, westwardly, to the middle of said Forty-fourth street, for the use of said sidetrack jointly with the said Gulf, Colorado and Santa Fe Railway company; also the right of way on and across said Mechanic street and intervening streets for the purpose of constructing a track connecting said sidetrack at a point between Forty-third and Forty-fourth streets, across Forty-fourth and Forty-fifth streets, to a connection with the tracks of said Galveston, Houston and Henderson Railroad company on Market street or Avenue D, between Forty-fifth and Forty-sixth streets, in said city of Galveston.

SEC. 2. The city of Galveston shall not be responsible in any wise for any damages whatsoever growing out of or incident to use of the streets by said Galveston, Houston and Henderson Railroad company, granted by this ordinance.

Passed under a suspension of the rules at an adjourned regular meeting of the city council, held July 5, 1898.

[Approved July 5, 1898.

CHAPTER XCIV.

GRANT TO THE GALVESTON, HOUSTON AND HENDERSON RAILROAD COMPANY.

SECTION 1. That there is hereby granted to the Galveston, Houston and Henderson Railroad company of 1882 the right of way for its railway tracks for said company and for maintaining and operating a steam railway thereon, with the necessary side-tracks and switches, in the city of Galveston, as follows: Upon and along Avenue A, from the western limits of the city of Galveston to the eastern limits of said city; also the right to build and extend its railways and tracks on Avenue D to Avenue A at any point or points between the western limits of the city and Forty-seventh street; from Avenue C and Forty-first street to Avenue A and Thirty-eighth street; from Avenue D and Thirty-seventh street to Avenue A and Thirty-third street; also the right to cross all streets and alleys, and the intersection thereof, upon the lines and ways above specified; also the right to lay its tracks north of Avenue A to the channel in the harbor, upon and across all streets east of and including Fourth street, and west of and including Thirty-second street.

SEC. 2. The grant herein made shall extend only to so much of the streets and alleys as the city of Galveston has the right to grant to railroads under the laws of the State.

SEC. 3. The grant herein made shall not include any right to enter upon any private property without the consent of the owner thereof, or a legal condemnation of the same in accordance with the laws of the State.

SEC. 4. The rights, duties and obligations of said railroad company over the right of way herein granted shall be governed by the general laws of the State, when not otherwise provided in this ordinance.

SEC. 5. The right to regulate the grade of said tracks and crossings over the same at streets and alleys, for sanitary, police or other municipal or economic purposes, over the rights of way herein granted, is specially reserved to the city of Galveston, and in constructing and maintaining said tracks said company shall, as far as practicable, restore the streets to the condition in which

they now are, and shall at all intersections of streets erect and maintain suitable and sufficient crossings over said tracks.

SEC. 6. That said railroad company undertakes to hold the city of Galveston harmless, and indemnify it against all suits, costs, expenses and damages that may arise or grow out of this grant, or by reason of its occupation and use of the right of way herein granted.

SEC. 7. That in the event said railroad company shall proceed to construct, maintain and operate a railway over the right of way herein granted, then any other railway company desiring to participate in the ownership and operation of the same may do so by paying an equal pro rata of the cost of said railroad over said right of way; and in case said railway companies cannot agree upon the costs of said railroad, or upon terms satisfactory among themselves, then the same shall be determined by a board of arbitration, consisting of one arbitrator to be appointed by the city council of the city of Galveston, and one arbitrator to be appointed by the railway company or companies owning or operating the same, and in case of the disagreement of said arbitrators, they shall appoint an umpire to decide the matter. And should the said railway company or companies refuse to appoint an arbitrator when applied to, then in that case the city council shall appoint two arbitrators, who shall proceed to determine the matter as hereinbefore provided. It is the object of this section to make a general railroad over the right of way herein granted, to the end that all railway companies that may nor or hereafter terminate in Galveston, so desiring, may acquire equal rights in the ownership and operation of said railroad.

Passed under a suspension of the rules at a regular meeting of the city council, held October 3, 1898.

CHAPTER XCV.

GRANT TO THE GALVESTON, HOUSTON AND HENDERSON RAILROAD COMPANY.

SECTION 1. That there is hereby granted to the Galveston, Houston and Henderson Railroad company of 1882 the right of way for the railway tracks of said company and for maintaining

and operating a steam railway thereon, with the necessary side-tracks and switches, in the city of Galveston, Texas, as follows: Over and along Thirty-fifth street from the south side of Avenue C to Avenue B and to a connection over and along said Avenue B with the tracks of the Gulf, Colorado and Santa Fe Railway company on said Avenue B, between Thirty-fourth and Thirty-fifth streets.

SEC. 2. The grant herein made shall extend only to so much of the said streets as the city of Galveston has a right to grant to railroads under the laws of the State of Texas.

SEC. 3. The rights, duties and obligations of said railroad company over the right of way herein granted shall be governed by the laws of the State of Texas and by the charter provisions of said railroad company, and as otherwise provided in this ordinance.

SEC. 4. The right to regulate the grade of said tracks for sanitary, police or other municipal or economic purposes, over the right of way herein granted, is specially reserved to the city of Galveston; and in constructing and maintaining said tracks, said company shall restore the streets to the condition in which they now are, and shall at all intersections of streets erect and maintain suitable and sufficient crossings over said tracks.

SEC. 5. That said railway company undertakes to hold the city of Galveston harmless and indemnify it against all suits, costs, expenses and damages that may arise or grow out of this grant, or by reason of its occupation and use of the right of way herein granted.

[Approved May 21, 1901

CHAPTER XCVII.

GRANT TO COLLIS P. HUNTINGTON.

WHEREAS, Collis P. Huntington has contracted for the purchase of the property hereinafter more particularly referred to, subject to the approval of the title by counsel; and

WHEREAS, One of the conditions of such purchase is that when the city of Galveston shall have closed the streets, avenues and alleys, if any, northerly from Avenue B, in the city of Galveston, and lying between the westerly line of block 700 and its

prolongation in a northerly direction, and the westerly line of block 710 and its prolongation in a northerly direction, and when through and by means of such acts of congress, acts of the legislature of the State of Texas and ordinances and conveyances from the city of Galveston, if any, as may be requisite for the purpose, the right has been secured to the said C. P. Huntington, or his heirs or assigns, to construct piers as he or they may from time to time determine, northerly from said Avenue B, and from points between said westerly line of block 700 and said westerly line of block 710 to the harbor line of 1897, and to dredge between and on the sides of such piers and northerly and northeasterly therefrom and from said harbor line of 1897, so as to permit the securing of at least twenty-five feet of water at mean low water between and beside such piers, and northerly and northeasterly therefrom, and so as to secure a connection by a continuous channel twenty-five feet in depth at mean low water from said piers to the Gulf of Mexico, and to permit steamers of at least five hundred feet in length and fifty feet beam, and drawing at least twenty-five feet of water, to conveniently go at mean low water from the waters of the Gulf of Mexico to and lie alongside said piers, then and in that event, the said C. P. Huntington, his heirs or assigns, will, within six months thereafter, commence the construction of terminal facilities upon said property for the use of what are commonly called the Southern Pacific Railroad and Steamship Systems, and will, within two years thereafter, expend at least the sum of one hundred and fifty thousand dollars ($150,000) in the construction of such piers and such dredging, and in the construction of depots and other terminal facilities for what are commonly called the Southern Pacific Railroad and Steamship Systems, their successors or assigns; and

Whereas, No streets, avenues or alleys have ever been heretofore opened, constructed or utilized on or through the said property above referred to, and hereinafter more particularly described, and no streets, avenues or alleys have ever been heretofore laid out or designated or recognized by the city of Galveston or the owners of property northerly of the north line of said blocks from 700 to 710, inclusive, but the said property, or the

greater part thereof, is and has ever been under the waters of Galveston bay; and

WHEREAS, It is greatly to the interest of the city of Galveston and its inhabitants that the work and improvements contemplated by said C. P. Huntington and his assigns should be performed, and it is necessary to said work and improvements and to the proper utility of the said property for such purposes that there should be no streets, avenues or alleys opened through and across said property; now, therefore,

Be it ordained by the city council of the city of Galveston, as follows:

SECTION 1. That any or all streets, avenues or alleys, if any, heretofore opened, laid out or in any manner designated upon, through or across the following described property in the city of Galveston, to-wit: Beginning at the southwesterly corner of block 710; thence along the westerly line of block 710 and the prolongation thereof in a straight line in a northerly direction 2860 feet, more or less, to the six-feet contour in Galveston bay; thence in an easterly direction along said contour to a point thereon where it would be intersected by the prolongation of the westerly line of block 700, if continued in a straight line; thence in a southerly direction along said prolongation thereof and the westerly line of block 700 to the southwesterly corner of said block 700; thence in a westerly direction along Avenue B 3800 feet, more or less, to the place of beginning, the same including all of blocks 701 to 710, both inclusive, together with the lands and lands under water lying northerly of said Avenue B between the westerly line of said block 700 and the prolongation thereof above mentioned and the westerly line of said block 710 and the prolongation thereof above mentioned to the southerly boundary line of the six feet contour above referred to; and also upon, through or across the lands under water and property lying between the property above described and the harbor line of 1897, or the harbor line as it may be changed from time to time, be and the same are each and all hereby perpetually abandoned, discontinued and closed.

SEC. 2. That said Collis P. Huntington, his heirs or assigns, be and they are hereby authorized and empowered and granted

the right perpetually to construct and maintain piers as he or they may from time to time determine upon the property described by metes and bounds in the preceding section hereof, and upon the property lying and situated between the same and the harbor line of 1897, and to dredge between and on the sides of such piers and northerly and northeasterly therefrom and from said harbor line of 1897, so as to permit the securing of at least twenty-five feet of water at mean low water between and beside such piers and northerly and northeasterly therefrom, and so as to secure a connection by a continuous channel twenty-five feet in depth at mean low water from said piers to the Gulf of Mexico and to permit steamers of at least five hundred feet in length and fifty feet beam, and drawing at least twenty-five feet of water, to conveniently go at mean low water from the waters of the Gulf of Mexico to and lie alongside of said piers, and to maintain the same; and to construct and maintain upon said property terminal facilities for the use of what are commonly called the Southern Pacific Railroad and Steamship Systems, their successors or assigns.

SEC. 3. The grant hereby made and all of the rights and privileges hereby conferred are subject to and upon the following conditions, viz.:

First—That the said C. P. Huntington, his heirs or assigns, shall, within six months from the ratification and approval of this ordinance and the confirmation of the grant made and the rights conferred by it by the legislature of the State of Texas, and the passage of such acts of congress, if any, as may be requisite for the purpose, commence the construction of terminal facilities upon the property hereinbefore referred to for the use of what are commonly called the Southern Pacific Railroad and Steamship Systems, and shall, within two years thereafter, expend at least the sum of one hundred and fifty thousand dollars ($150,000) in the construction of such piers and such dredging, and in the construction of depots and other terminal facilities for what are commonly called the Southern Pacific Railroad and Steamship Systems, their successors or assigns.

Second—That if the said C. P. Huntington, his heirs or assigns, shall charge wharfage for the use of such piers or other

facilities upon said property, except in so far as wharf service may be covered by the freight rate, all such wharfage shall be subject to the regulation of the Railroad Commission of Texas, but this shall not be so construed as to permit or allow any other person or corporation to use said property or any portion thereof without the consent of said C. P. Huntington, his heirs or assigns, owning the same at the time.

Passed under a suspension of the rules at an adjourned called meeting, held February 4, 1899.

CHAPTER XCVIII.

GRANT TO COLLIS P. HUNTINGTON.

SECTION 1. That there be and is hereby granted to Collis P. Huntington, his heirs or assigns, the right to locate, construct, own and operate railway tracks on and along Avenue B and across streets and alleys intersecting Avenue B from the westerly limits of the City of Galveston to the easterly line of Forty-first street, with necessary sidetracks and switches.

SEC. 2. The grant herein made shall embrace only so much of the streets and alleys as the city of Galveston has the right, under the laws of Texas, to grant for such purposes, and shall not include any right to enter upon private property without the consent of the owner thereof, or without condemnation of the same in accordance with the laws of the State of Texas.

SEC. 3. The rights, duties and obligations of the grantee herein, his heirs and assigns, over the right of way herein granted shall be governed by the general laws of the State when not otherwise provided in this ordinance.

SEC. 4. That the right to regulate the grade of said tracks and crossings over the same at streets and alleys and for sanitary, police or other municipal purposes, over the right of way herein granted is specially reserved to the city of Galveston; and in constructing and maintaining said tracks the grantee herein, his heirs and assigns, shall, as far as practicable, restore the streets to the condition in which they now are and shall at all intersections of streets erect and maintain suitable and sufficient crossings over said tracks; that the grantee herein, his heirs and as-

signs, constructing or owning said tracks at the time, shall hold the city of Galveston harmless and indemnify it against all suits, damages, expenses and costs that may arise or grow out of this grant, or by reason of the occupation and use of the right of way herein granted.

SEC. 5. That the grantee herein, his heirs or assigns, constructing or owning said tracks at the time, shall be required to construct and maintain all necessary culverts and drains under said tracks at such places as may be designated by written order of the city engineer, or by resolution of the city council; and upon neglect or failure of said grantee, his heirs or assigns, to construct and maintain such culverts and drains after reasonable notice, the city of Galveston shall have the right to cause them to be constructed or put in proper condition and repair at the cost and expense of the said grantee, his heirs or assigns, owning the said tracks at the time, and recover such costs and expenses from them.

SEC. 6. That the rights herein and hereby granted are expressly subject to each and all the conditions set forth in section 3 of ordinance entitled "An ordinance abandoning, discontinuing and closing certain streets, avenues and alleys of the city of Galveston, and authorizing and empowering Collis P. Huntington, his heirs or assigns, perpetually to construct and maintain piers on the shores of Galveston bay within the corporate limits of the city of Galveston upon certain specified conditions," passed February 4th, 1899.

SEC. 7. That this ordinance shall take effect and be in force from and after its passage.

Read first time April 3d, 1899. Read second time and passed May 1st, 1899.

[Approved May 2, 1899.

CHAPTER XCIX.

GRANT TO THE UNITED STATES.

SECTION 1. That the right of way, together with the right, privilege and license of constructing, maintaining and operating a railway track, with all necessary and convenient switches, sidetracks and connections, is hereby granted to the United States

of America upon, over and along the following named avenues and streets, to-wit: Beginning at a point on Avenue Q, at or near the track of the Galveston and Western Railway company, to run thence upon, over and along said Avenue Q and Forty-fifth street, to the United States government reservation, together with the right to construct, extend, maintain and operate a railway thereon, for the purpose of making connection with existing railways, so as to give access to the said United States government reservation.

SEC. 2. The grant hereby made shall extend only to such portions of said avenues and streets as the said city of Galveston has the right to grant under the laws of the State and under the charter and ordinances of the city of Galveston.

SEC. 3. The grant hereby made is done with the express stipulation and agreement that said United States of America will hold the city of Galveston harmless and indemnify it against all suits of whatsoever nature, costs, damages, claims and expenses that may arise or grow out of the execution and use by said United States of America of the right of way and franchise hereby granted.

SEC. 4. The rights, duties and obligations over the right of way hereby granted shall be governed and controlled by the general laws of the State of Texas and the charter and ordinances of the city of Galveston, as they now are or may hereafter be, and the right to establish and regulate the grade and location of said track, and the character and dimensions of all crossings, protection and drainage of the same for sanitary, police or economic purposes, is hereby reserved to the city of Galveston, and all crossings to be constructed and be made and built from curb line to curb line.

SEC. 5. That this ordinance shall take effect and be in force from and after the date of its passage.

Passed under a suspension of the rules at regular meeting of city council, held March 21, 1898.

CHAPTER C.

GRANT TO THE UNITED STATES.

Granting Rights to Certain Streets in Denver Re-survey for United States Government Forts.

WHEREAS, The United States government is desirous of acquiring title to certain lands in the city of Galveston, county of Galveston, for the purpose of erecting forts, fortifications and other improvements for the national defense, which said properties are intersected by streets of the city of Galveston; and

WHEREAS, Said property cannot be used for the purposes intended by the United States of America until the title and use of the lands embraced in said streets intersecting and bounding said property can be obtained; and

WHEREAS, By virtue of the platting of said land into city lots, blocks and outlots, and the laying off of streets through said property has effected a dedication and donation of said lands embraced in said streets to a public use; and

WHEREAS, The city council of the city of Galveston recognizes the necessity of fortifying of said city by the United States government; now, therefore,

Be it ordained by the city council of the city of Galveston as follows:

SECTION 1. That the United States of America is hereby authorized and empowered to acquire title to any lots or parcels of lands situate within the corporate limits of the city of Galveston, which may or shall become necessary for the fortifying of the port of Galveston, and the protection thereof against its enemies, and to this end it is specially ordained that any and all streets, alleys or other public highways which may intersect or separate any lots or parcels of land which the United States of America may desire to purchase, are, together with the use of the same, hereby ceded to the United States of America for its permanent use, and the said United States of America is hereby fully authorized to close any and all of said streets by walls, fences, fortifications or other impediments to the public use which the said United States of America may deem necessary in order to assure the full use, enjoyment and control of said property purchased by the United States of America, including

said streets, and to exclude the public from entry thereon, and the full use, control and management, including the right to build and construct any and all such buildings and improvements, earthworks, fortifications or any other class of improvements without further permission from the city of Galveston, is hereby expressly conceded to the said United States of America.

Passed February 10, 1897.

CHAPTER CI.

LOCATING SITE FOR AN ARMY POST IN THE CITY OF GALVESTON, AND TO CONSTRUCT ROADS THERETO.

WHEREAS, It is contemplated that the United States government will select and locate one or more sites for post at or near Fort Point, whereon to establish the necessary buildings for the accommodation of one or more batteries for the protection of the harbor and port of the city of Galveston; and

WHEREAS, It is the intention of the city council of the city of Galveston, as far as possible, to facilitate the establishment of such posts by removing any and all objectionable features which may now exist on the grounds proposed to be occupied by such post, and to prevent, as far as possible, hereafter the erection of any objectionable buildings at or near said site, which may interfere with the plans of the United States government; therefore,

Be it ordained by the city council of the city of Galveston as follows:

SECTION 1. That the consent of the city of Galveston, in so far as the same may be required or may be appropriate, is hereby given to the construction of such road or roads as may be necessary and convenient for the use of such post, over and along any of the streets, public grounds, over which the city of Galveston has control, so as to provide for convenient and easy access from said post into the city of Galveston; such road or roads to be constructed in accordance with the rules and regulations of the city of Galveston governing such matter, and with the co-operation of the city engineer of said city.

SEC. 2. That the pest house under the control of the city of Galveston, now located southeast of the Quarantine station, on

the east end of Galveston island, and just south of the proposed location of such post, shall be removed and abolished, and hereafter no pest house or other buildings devoted to similar purposes shall be located or placed near such government post; but the same shall be located at some other point in Galveston county which will in no way endanger the health of the occupants of such post, after the same is established.

SEC. 3. That hereafter no building or buildings will be allowed to be erected at or near the said government reservation, where said post is proposed to be established, and the said city of Galveston will, as far as possible, prevent the erection of any such building or the establishment or maintenance of any business or occupation which may be objectionable to the officer commanding said post, and the said city of Galveston will, as and when required by such commanding officer, endeavor, as far as may be, to abate, prevent and prohibit all such objectionable occupations, business or dwellings at or near the proposed location of said fort.

SEC. 4. That this ordinance shall take effect and be in force from and after the date of its passage.

Passed under a suspension of the rules at meeting of the city council held March 7, 1898.

CHAPTER CII.

AUTHORIZING AND EMPOWERING THE UNITED STATES OF AMERICA TO ACQUIRE TITLE TO ANY LOTS OR PARCELS OF LAND SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF GALVESTON, WHICH IT MAY DEEM NECESSARY FOR THE PURPOSE OF PROVIDING BARRACKS AND OTHER NEEDFUL BUILDINGS FOR MILITARY PURPOSES, ETC.

WHEREAS, The United States Government is desirous of acquiring title to certain lands in the city of Galveston, county of Galveston, State of Texas, for the purpose of erecting barracks, forts, fortifications and other needful buildings for military purposes, fortifications and improvements for national defense, which said properties are intersected by streets, avenues and alleys of the city of Galveston, which said properties are located in that

portion of the city of Galveston known as the Denver Resurvey, and consist of outlots numbered 203, 204, 228, 229, 253, 254, together with the strip of beach and streets intervening, lying directly south of said outlots, including Forty-ninth street; and,

WHEREAS, The said property cannot be used for the purposes intended by the United States Government until the title and use of the land embraced in said streets, avenues and alleys intersecting said outlots hereinbefore set forth can be obtained; and,

WHEREAS, By virtue of the plotting of said lands into city lots, blocks and outlots and the laying off of the streets, avenues and alleys through said property has effected a dedication and donation of said land embraced in said streets, avenues and alleys to a public use; and,

WHEREAS, The City Council of the city of Galveston recognizes the necessity of providing barracks and other needful buildings for military purposes, and also for the purpose of fortifying said city by the United States Government; now, therefore,

Be it ordained by the city council of the city of Galveston as follows:

That the United States of America is hereby authorized and empowered to acquire title to any lots or parcels of land situated within the corporate limits of the city of Galveston which it may deem necessary for the purpose of providing barracks and other needful buildings for military purposes, also for the purpose of fortifying the port of Galveston and the protection thereof against its enemies, and to this end it is here now especially ordained that any and all streets, avenues and alleys or other public highways which may intersect or separate any or all of the lots or parcels of land which the United States of America may desire to purchase as hereinbefore set forth are, together with the use of the same, hereby ceded to the United States of America for its said permanent use and control.

And the United States of America is hereby fully authorized to close any and all of said streets, avenues and alleys by wall, fence, fortifications or other impediment to public use, which it may deem necessary in order to assure the full enjoyment and control of said property to it, the said United States of America, including said street, and to exclude the public from entry thereon and

the full use, control and management, including the right to build and construct any and all such building and improvements, earth works, fortifications or any other class of improvements upon said streets, avenues and alleys without further permission from the city of Galveston; and the same are hereby expressly ceded to the said United States of America; the said streets, avenues and alleys herein referred to are Fifty-second street, south of the south side of Avenue U to the Gulf of Mexico; Fifty-first street, south of the south side of Avenue U to the Gulf of Mexico; Fiftieth street, from the south side of Avenue U south to the Gulf of Mexico, and Forty-ninth street, south of the south side of Avenue U to the Gulf of Mexico, together with Avenues U½, V, V½, W, W½ and X, respectively, from the east side of Fifty-third street to the east side of Forty-ninth street, together with all the alleys situated in said outlots hereinbefore numbered.

[Approved April 14, 1900.

CHAPTER CIII.

AMENDING THE GRANT TO THE UNITED STATES OF AMERICA OF PART OF PELICAN FLATS.

WHEREAS, The Government of the United States is desirous of establishing a coal depot and supply station for naval purposes in Galveston Harbor, and recognizing the importance of such an undertaking, both as to accessibility of Galveston for naval purposes, and the prominence the same would give to this port, and in recognition of the many favors extended Galveston by the federal government, the city of Galveston, in response to a letter of Hon. J. D. Long, Secretary of the Navy, dated June 13, 1900, does hereby tender to the Government of the United States that certain parcel or tract of land at the northeast corner of Pelican Flats for a naval supply depot and coaling station, commencing as follows: Commencing at the northeast corner (see Exhibit "D," Civil Engineer Cunningham's report, dated May 28, 1900) of Pelican Flats, at point A, and extending south 15 degrees 33 minutes and 31 seconds west 2000 feet; thence north 61 degrees west 1500 feet; thence north 15 degrees 33 minutes and 31 seconds east 2000 feet; thence south 61 degrees east 1500 feet to the initial point A.

This cession is made upon the understanding that the Navy Department will recommend to Congress at its next session the appropriation of a sufficient sum of money to bulkhead the corner A to the extent of 2500 feet, and fill in in the rear of same to a level of at least 750,000 square feet or more. Should the bulkheading and filling not be provided for or be in progress within three years from the date of granting the cession, the property to revert to the city.

[Approved August 21, 1900

CHAPTER CIIIa.

MAKING GRANT TO THE UNITED STATES OF AMERICA OF PART OF PELICAN FLATS.

WHEREAS, The Government of the United States is desirous of establishing a coal depot and supply station for naval purposes in Galveston Harbor, and recognizing the importance of such an undertaking, both as to the accessibility of Galveston for naval purposes and the prominence the same would give to this port, and in recognition of the many favors extended Galveston by the federal government; the city of Galveston, in response to a letter of Hon. J. D. Long, Secretary of the Navy, dated June 13, 1900, does hereby tender to the Government of the United States that certain parcel or tract of land at the northeast corner of Pelican Flats for a naval supply depot and coaling station, commencing as follows: Commencing at the northeast corner (see Exhibit "D," Civil Engineer Cunningham's report, dated May 28, 1900) of Pelican Flats, at point A, and extending south 15 degrees 33 minutes and 31 seconds west 2000 feet; thence north 69 degrees west 1500 feet; thence north 15 degrees 33 minutes and 31 seconds east 2000 feet; thence south 61 degrees east 1500 feet to the initial point A. This cession is made upon the understanding that the Navy Department will recommend to Congress at its next session the appropriation of a sufficient sum of money to bulkhead the corner A to the extent of 2500 feet, and fill in in the rear of same to a level of at least 750,000 square feet or more. Should the bulkheading and filling not be provided for or be in progress within three years from the date of granting the cession, the property to revert to the city.

[Approved June 19, 1900.

CHAPTER CIV.

GRANT TO CHAS. CLARKE AND HIS ASSOCIATES.

SECTION 1. That Charles Clarke, W. A. Hudson, Charles T. Suderman, John Young and A. S. Newson, and their associates, successors and assigns, be and are hereby authorized to use the streets, alleys and public grounds of the city of Galveston for the term of twenty-five years from the passage hereof for the purpose of placing and laying therein pipes, main and other conduits for the conveyance of oil and gas, for fuel and other purposes, into and through said city for the use of the city of Galveston and its inhabitants, provided that the same shall in no manner interfere with the drainage of the city, or the sewers or water pipes or mains, or other underground fixtures used for such purposes.

SEC. 2. Said Clarke, his associates, successors and assigns, are also authorized to construct all necessary buildings, tanks, reservoirs, machinery and equipments within said city for the proper and safe use and distribution of oil and gas for heating and other purposes, to be located at such places and to be of such character as the city engineer shall approve; and all work shall be done in such a manner and within such time that the use of the streets shall not be interfered with, and any pavement or other part of any street, alley or public ground shall be restored in such manner as shall be acceptable to the city engineer, and said grantees and their works shall be subject to all reasonable police regulations.

SEC. 3. In consideration of the privileges granted to said Clarke and others, hereinbefore expressed, they hereby agree to transfer to the city of Galveston, in lieu of a bonus, 5 per cent. of the capital stock of any corporation hereafter to be formed by said grantees, and also agree to pay all taxes upon their property, whether the same be personal or real.

SEC. 4. The grantees hereinbefore named shall in good faith commence the laying of pipes and the work contemplated by this ordinance, within twelve months from the date hereof, failing in which, all rights and privileges hereby granted are forfeited without further action.

[Approved May 14, 1901.

CHAPTER CV.

TO PROVIDE FOR PLACING THE WIRES OF THE SOUTHWESTERN TELEGRAPH COMPANY AND TELEPHONE COMPANY IN UNDERGROUND CONDUITS WITHIN CERTAIN LIMITS IN THE CITY OF GALVESTON, TEXAS.

WHEREAS, It appears to the City Council of the city of Galveston, that it would conduce to the public safety, and be to the public advantage that all electric wires should be placed, as far as practicable, underground; therefore, be it ordained by the City Council of the City of Galveston:

SECTION 1. That the right and privilege be and the same is hereby granted to the Southwestern Telegraph and Telephone Company, its successors and assigns, to lay, construct, and maintain underground wires enclosed in conduits, to construct the necessary manholes, and make house connections, and through the public streets and alleys of the city of Galveston.

And as rapidly as said conduits are completed and ready for use, said company shall proceed to remove its wires from its poles and place them in said conduits. And wherever and as fast as the conduits are completed and the cables and wires laid therein, it shall be unlawful for any person, firm or corporation to maintain poles for telephone wires within the territory supplied by said underground cables, except such poles as may be necessary for the distribution of said underground cables and wires; and said distributing poles shall be placed so far as may be practicable in the alleys of said city.

SEC. 2. That the district within which said underground conduits shall be constructed shall be bounded as follows: On the north by the Bay Front; on the east by Fifteenth street; on the south by Avenue M, and on the west by Thirty-fifth street.

SEC. 3. That this grant is made for the term of fifty (50) years, and upon the express consideration that the said Southwestern Telegraph and Telephone Company, its successors and assigns, shall permit said city of Galveston to place the wires of said city fire alarm telegraph and police telegraph in said conduits, free of charge to said city; and the necessary space for said city telegraph wires shall be reserved in said conduits; and said city shall be permitted to distribute its said fire and police telegraph

wires upon the distributing poles of said The Southwestern Telegraph and Telephone Company without any charge to said city; provided, however, that no electric light or power wires shall ever be placed in said conduits.

SEC. 4. That the said The Southwestern Telegraph and Telephone Company shall file with the mayor of said city its written acceptance of the provisions of this ordinance and shall agree to save the city of Galveston harmless from any claims for damages arising from the work of construction or maintaining said conduits; and any and all pavements, curbings, sidewalks and street intersections at any time or for any purpose whatever torn or displaced by said The Southwestern Telegraph and Telephone Company shall be properly and safely replaced at the expense of said company.

SEC. 5. That the said The Southwestern Telegraph and Telephone Company shall construct within one year from its written acceptance of this ordinance not less than eight thousand (8000) feet of conduit within the district named and shall thereafter construct upon the order of the council further conduits, not exceeding three thousand (3000) feet in any one year, and when such conduits are constructed shall proceed to remove its wires from the poles and place them therein; but said telephone company may lay more than said number of feet of conduits in said streets, alleys and public grounds of the city, or such portions thereof, with the permit of the council, if it is desirable or necessary to do so.

SEC. 6. This ordinance shall take effect and be in force from and after its passage and upon its acceptance by the said The Southwestern Telegraph and Telephone Company.

[Approved October 5, 1900.

CHAPTER CVI.

GRANT TO A. S. NEWSON AND ASSOCIATES OF TELEPHONE FRANCHISE.

SECTION 1. Permission is hereby granted to A. S. Newson, Moritz Brock and Gus Lewy, their associates, successors or assigns, to establish a system of telephones in the city of Galveston.

SEC. 2. The electric wires or cables used for said telephone system shall be underground, as far as practicable, and must be

placed underground in the territory bounded as follows: On the north side by the Bay Front; on the east side by Fifteenth street; on the south side by Avenue M, and on the west side by Thirty-fifth street; but the said A. S. Newson, Moritz Brock and Gus Lewy shall have the right to erect the necessary distributing poles in this territory.

SEC. 3. That the persons to whom this franchise is granted, their successors or assigns, shall have the right to lay, construct and maintain underground wires and cables in closed conduits, to construct the necessary manholes, and make house connections in and through the public streets and alleys of the city of Galveston, to erect such poles as may be necessary for the distributing of said underground cables and wires, and these poles to be placed, as far as practicable, in the alleys of said city.

SEC. 4. This grant is made for a term of fifty years.

SEC. 5. That said A. S. Newson, Moritz Brock and Gus Lewy, or their associates, successors or assigns, shall permit the said city of Galveston to place the wires of its fire alarm and police telegraph in said conduits, and the said city shall also be permitted to distribute the wires necessary for said fire alarm and police telegraph from the distributing poles to be erected under this ordinance, and the telephone lines erected under this franchise shall, by the owners thereof, be connected with the various departments and offices of the city of Galveston, and the officers of said city in charge of said departments shall, while this ordinance is in force, have the free use of such lines, wires and telephones in said offices.

SEC. 6. The said A. S. Newson, Moritz Brock and Gus Lewy, or their successors and assigns, shall save the city of Galveston harmless from any claims or damages arising from the work of construction or maintenance of said conduits or distributing poles.

SEC. 7. They shall file with the mayor of the city of Galveston, within five days after the passage hereof, their written acceptance of the provisions of this ordinance.

[Approved May 14, 1901.

CHAPTER CVII.

GRANT TO THE GALVESTON BREWING COMPANY.

SECTION 1. That the Galveston Brewing Company, a corporation organized and duly chartered under the laws of the State of

Texas, be and is hereby authorized to lay down railway switches for the purpose of its business on the following streets of the city of Galveston, to-wit: On Avenue E, between Thirty-third and Thirty-fourth streets, and on Thirty-fourth street, between Avenues E and F. Both of these railroad switches to be adjacent to the property of the Galveston Brewing Company, and to be of sufficient length to conveniently connect either direct or by curve with any system of railroads on Avenue E and Thirty-fourth street, or crossing or intersecting Thirty-fourth street.

[Approved August 8, 1895.

CHAPTER CVIII.

GRANT TO THE TEXAS STAR FLOUR MILLS.

That the ordinance heretofore passed by the City Council of Galveston, on the 5th day of June, 1882, granting to the Texas Star Flour Mills the right to erect and construct iron-clad buildings on certain lots in block 680 of the city of Galveston, be and the same is hereby amended to read as follows:

That the Texas Star Flour Mills be, and it is hereby, in addition to the buildings heretofore constructed by it under the provisions of said ordinances, on lots numbers one and two (1 and 2), in block 680 of the city of Galveston, authorized to erect and construct on the above mentioned ground including lots numbers three and four (3 and 4) of the same block, such other and additional iron-clad building or buildings of light material, to be used for warehouse, coopershop, storage, and such other general purposes as may be required by its business.

Passed under suspension of the rules at regular meeting, December 4, 1893.

CHAPTER CIX.

ENTITLED AN ORDINANCE GRANTING TO THE EXECUTORS OF HENRY ROSENBERG, DECEASED, THE RIGHT TO ERECT THE MONUMENT, COMMEMORATING THE HEROES OF THE TEXAS REVOLUTION, AT THE INTERSECTION OF BROADWAY AND BATH AVENUE IN THE CITY OF GALVESTON.

Be it ordained by the City Council of the City of Galveston:

SECTION 1. That the intersection of Broadway and Bath Avenue, in the city of Galveston, is hereby dedicated as the site

for the monument to the memory of the heroes of the Texas Revolution of 1836, provided for in the will of Henry Rosenberg, deceased; and the executors of the said Rosenberg are hereby granted the use of thirty-six feet by thirty-six feet in the center of said intersection for the purpose of erecting said monument thereon.

SEC. 2. That the right to temporarily use the esplanade in the center of Broadway and each side of Bath avenue, for material during the progress of the work is hereby granted to said executors; provided, that when the monument is completed they shall clear the esplanade and streets of all debris and rubbish and restore same to their original condition.

Passed under suspension of the rules June 20, 1897.

CHAPTER CX.

GRANT TO BRUSH ELECTRIC LIGHT AND POWER COMPANY.

SECTION 1. That there is hereby granted to the Brush Electric Light and Power Company of Galveston the right to set poles, pin-abutments, wires and other necessary fixtures along the streets and alleys of the city of Galveston for the purpose of furnishing electric light and power, subject to the regulations hereinafter provided.

SEC. 2. That the poles, pin-abutments, wires and other necessary fixtures shall be so set, constructed and operated as not to obstruct or interfere with the convenient use of the streets by vehicles or persons on foot.

SEC. 3. That the wires shall be so strung as not to interfere with any of the city fire alarm or city electric light wires.

SEC. 4. That the right is hereby reserved to the city at any time to direct any alteration in the location of the poles or in the height at which the wires shall be run.

SEC. 5. That the said company shall at all times have on deposit with the city treasurer a sum not less than fifty dollars, subject to the order of the city engineer, to be used by him in restoring any sidewalk, gutter, street or alley, pavement displaced or injured in the setting or removal of any pole set or removed by said company, or for the changing of the location of any of the

poles of said company, whenever said company fails or refuses to make said alteration to the satisfaction of the city council.

SEC. 6. That said company shall at all times permit the city to use and occupy the top cross-arm of any pole erected or to be erected, for fire, police, or municipal telegraph or telephone purposes free of charge.

SEC. 7. That said company shall become solely responsible and hold the city harmless against all damages growing out of the use of its streets and sidewalks under the provisions of this ordinance.

SEC. 8. That this grant of license is made subject to the charter and ordinances of the city of Galveston as the same now are or may hereafter be.

SEC. 9. That a consolidation, combination or joining or uniting with any other company or corporation by the Brush Electric Light and Power Company of Galveston shall of itself forfeit the rights and privileges hereby granted.

SEC. 10. That the rights, privileges and licenses hereby granted shall not be transferred or assigned without the consent of the city council of the city of Galveston, and such transfer or assignment without such consent shall of itself forfeit all the rights, privileges and licenses hereby granted.

SEC. 11. That whenever the charges fixed by said company for lights shall become unreasonable or beyond what such lights can reasonably be supplied, then the city council reserves the right to fix a maximum rate to be charged by said company either for lights furnished to the city or to private consumers.

SEC. 12. That the said rights, privileges and franchises are hereby granted for the term of twenty-five years from the passage of this ordinance, upon condition that the said company signifies its acceptance in writing, to be filed with the city clerk, of all the terms and all of the provisions of this ordinance, within thirty days after its passage.

[Passed February 21, 1895.

CHAPTER CXI.

GRANT TO THE POSTAL TELEGRAPH-CABLE COMPANY OF TEXAS.

SECTION 1. That the right is hereby granted to the Postal Telegraph-Cable Company of Texas, its successors, and assigns,

to construct, operate and maintain its line of telegraph poles and wires, fixtures and appurtenances upon, along and over such of the streets, alleys and public ways of the city of Galveston as may be necessary to enable the company to reach its office in the city of Galveston, subject to all the laws and ordinances now in force, or that may hereafter be enacted, regulating the construction and maintenance of such lines of poles and wires.

SEC. 2. That said line of poles and wires shall be so erected and maintained as not to obstruct the travel upon said streets, nor interfere with the flow of water in any pipe, drain, ditch or culvert, and in the event of change of grade, or bringing to grade any of the streets, alleys or public ways, said poles shall by said company be so changed or set at its own expense as to conform thereto, and said company shall save and hold said city free and harmless from all or any damages arising from or caused by the construction or maintenance of said line of poles and wires; and the acceptance by said company of the terms and provisions of this ordinance shall bind said company to submit to and comply with all reasonable regulations which may hereafter be imposed by said city.

SEC. 3. That this grant shall not be exclusive, and the city reserves the right to grant like rights of use of the public streets to others for similar uses, provided that such use shall not prevent or interfere with the proper exercise of the rights and privileges herein granted.

SEC. 4. That the street or streets along which said poles shall be erected and the location of said poles thereon shall be under the direction of the committee on streets and alleys and the city engineer, subject to the approval of the city council.

SEC. 5. The construction and erection of said line of poles and wires within said city shall be commenced within three months of the passage of this ordinance, and shall be completed within six months from that date. Upon failure of said company to comply with these requirements, or with any other requirements of this ordinance, all its rights hereunder shall be forfeited, and said city shall have the right by ordinance to declare this contract annulled.

SEC. 6. In consideration whereof, the said city of Galveston may have the right to use as much of the upper cross-arms of

said poles as may be necessary for its fire alarm and police telegraph wires; provided, that said city's use of poles shall not be so made or continued as to in any manner obstruct or interfere with the use of said poles by said telegraph company; and all work of placing wires or fixtures of said city upon said poles shall be done under the direction of the telegraph company's manager in said city.

SEC. 7. That the franchises herein and hereby granted continue and be operative for the term of twenty-five years.

SEC. 8. That the said company, in the event it ceases to do business in the city of Galveston, will, at its own proper cost and expense, remove or cause to be removed all the poles, wires and arms erected by said company in the streets of said city, and in case of the failure of said company to remove said poles and wires, at its own expense and cost, then the mayor of said city shall have the right to order the removal of the same in the manner provided for the removal of obstructions from the streets of said city.

SEC. 9. It is agreed and understood that each and all of the conditions set forth in this ordinance are conditions precedent, and a failure to comply with any one or more of them shall *ipso facto* work a forfeiture of the rights herein and hereby granted, and the city shall have the right to determine and declare such forfeiture of this franchise by ordinance.

SEC. 10. That this ordinance shall take effect and be in force from and after its passage and approval and filing by said telegraph company of its unconditional acceptance of the terms hereof.

[Passed March 7, 1898.

CHAPTER CXII.

GRANT TO THE UNITED STATES TELEPHONE AND TELEGRAPH COMPANY.

SECTION 1. That the United States Telephone and Telegraph Company of Texas are hereby granted the right of way over and upon the streets, alleys, avenues and sidewalks of the city of Galveston, for the purpose of erecting, constructing, maintaining and operating a system of telephones and telephone exchange in the city of Galveston, and between said city of Gal-

veston and other towns and cities within reach of telephone communication; and to that end, to erect and maintain all necessary poles and posts, and to stretch, string and lay wires, cables and other appliances, over any and all of said streets and thoroughfares, as may be necessary to successfully, economically and conveniently operate and maintain such system; subject, however, to all ordinances of the city of Galveston, now in force or that may be hereafter enacted, and having reference to telephones, telephone wires, telephone poles or posts, cables and other appliances; and subject also to the power and authority of the city council to hereafter regulate and locate the erection and location of all poles and wires in said city erected by said company and to cause the same, at any time, to be changed or removed—whether telegraph, telephone, electric light, railroad or otherwise. The franchise herein granted will continue for the term of fifty years.

SEC. 2. The said United States Telephone and Telegraph Company of Texas shall begin the construction of its telephone lines within said city within ninety (90) days from the passage of this ordinance; and within one year thereafter shall have sufficient poles planted and wires stretched to operate three hundred (300) telephones. And shall charge an annual rental of not more than thirty-six dollars ($36) for each commercial telephone in said city, nor more than twenty-four ($24) for each residence telephone in said city; provided, however, that the following city officials, to-wit: The mayor, the treasurer, the city engineer, the city clerk, the city attorney and chief of police and chief of fire department shall each be furnished by said company with a telephone free of charge; and that the said United States Telephone and Telegraph Company shall also furnish free of charge a telephone at each of the offices and stations and houses of the fire department of the city of Galveston, and shall also furnish any other telephones that the city of Galveston may desire for its use, at a rental not exceeding two dollars ($2) per month; all of such telephones to be connected with the central office and with the entire system of the said United States Telephone and Telegraph Company, and service thereupon to be furnished free of charge, other than as above stated.

SEC. 3. This ordinance shall not take effect nor be in force unless the said United States Telephone and Telegraph Company shall, within ten days after the passage of this ordinance, file with the city clerk its acceptance of this ordinance and the terms and conditions hereof.

SEC. 4. That this ordinance shall take effect and become operative from and after the date of the filing of said acceptance by said United States Telephone and Telegraph Company of Texas, with the city clerk.

SEC. 5. This franchise is granted upon the condition that all wires erected or strung by said company shall be placed or strung not less than a distance of four (4) feet from any other wire now erected in said city, whether the same be telephone, telegraph or electric light wires.

SEC. 6. That no right or privilege or franchise hereby granted shall, at any time or in any manner, be transferable or sold or assigned or sub-let to nor be used or exercised by any person or persons, corporation or corporations, other than the United States Telephone and Telegraph Company without the consent of the city council of the city of Galveston previously and formally and expressly given therefor, at a regular meeting of the said council; and any transfer, sale, assignment or sub-letting or use of or exercise or attempt to use or exercise any one or more of such rights, privileges or franchises by any person or persons, corporation or corporations, other than the United States Telephone and Telegraph Company, shall forfeit and render void all and singular the rights, privileges and franchises hereby granted.

SEC. 7. All the rights, privileges and franchises hereby granted are upon the express condition that the said United States Telephone and Telegraph Company of Texas shall never charge more than the rates herein mentioned, and shall begin the construction of its telephone lines within said city within ninety (90) days from the passage of this ordinance; and that it shall, within one year thereafter, have sufficient poles planted and wires stretched to operate three hundred (300) telephones; and failing either so to begin said construction or so to complete said work as aforesaid, within the time specified, or if said rates are exceeded shall, *ipso facto,* work a forfeiture of the rights herein and hereby granted; and such beginning and completion herein speci-

fied within the respective times, are conditions precedent to the exercise of the powers herein granted.

SEC. 8. Within thirty (30) days from the date of passage of this ordinance the said United States Telephone and Telegraph Company of Texas shall file with the city clerk a bond in the sum of five thousand dollars ($5000), to be approved by the finance committee of the city council and the city attorney, payable to the mayor of the city of Galveston, conditioned: That said company shall begin the construction of its telephone lines within said city within ninety (90) days from the passage of this ordinance, and that it shall within one (1) year thereafter have sufficient poles planted and wires stretched to operate three hundred (300) telephones in said city; and in the event of failure so to do, binding the principals and sureties on said bond to pay unto the said mayor of the city of Galveston the sum named, as liquidated damages.

SEC. 9. Within thirty (30) days from the passage of this act the said United States Telephone and Telegraph Company of Texas shall file with the city clerk an additional bond in the sum of ten thousand dollars ($10,000), to be approved by the finance committee of the city council and the city attorney, payable to the mayor of the city of Galveston, conditioned: That the said company, in the event it ceases to do business in the city of Galveston, will, at its own proper cost and expense, remove or cause to be removed all the poles, wires and arms erected by said company in the streets of said city; and in case of the failure of said company to remove said poles and wires at its own cost and expense, then binding the principals and sureties on said bond to pay unto said mayor of the city of Galveston the sum of said ten thousand dollars ($10,000), as liquidated damages.

Read first time at a meeting held September 10, 1896.

Read second time and passed at a meeting of the city council held December 7, 1896.

[Approved Dec. 8, 1896.

CHAPTER CXIII.

GRANT TO THE GALVESTON AND HOUSTON ELECTRIC RAILWAY COMPANY.

SECTION 1. That when the Galveston and Houston Electric Railway Company shall build their line of road to the western

limits of the city of Galveston, the assent of the city of Galveston is granted to the Galveston and Houston Electric Railway Company to construct, maintain and operate its line of electric railway into and through the city of Galveston, over and upon the following named streets in said city, to-wit: Entering Avenue I at the western limits of the city, thence eastwardly along said Avenue I to Tremont or Twenty-third street; also to begin on said Avenue I at its intersection with Fifty-sixth street, and thence over and along said Fifty-sixth street, northwardly, to the terminus of Fifty-sixth street.

SEC. 2. That the said railway company shall have the right to purchase yard and depot grounds adjoining the right of way hereby granted, at such point as it may deem most expedient; provided, however, that no such depot shall be located east of Twenty-fifth street, and it shall have the right to construct, erect and maintain sidetracks and buildings on its said depot grounds as it may deem convenient or necessary; and it shall have the right to construct, erect and maintain its tracks and switches and grades, to be fixed by the city engineer, over and across all streets which may cross and intersect its depot grounds, and to connect its said depot grounds by necessary tracks with the main line in the streets hereinbefore named and defined.

SEC. 3. That all tracks to be laid in the streets over which right of way is hereby granted shall be, as near as practicable, in the center of the street, as the same shall be designated and defined by the city engineer; and all tracks to be laid in the streets of the city shall be laid according to the grade and levels furnished by said city engineer, and the rails shall be laid so that the top of the rails shall be on a level with the street, and the same shall be kept in such condition and laid in such a manner as shall not interfere with the travel on and across said streets. All such tracks shall be constructed under the immediate supervision of the street and alley committee and the city engineer of said city.

SEC. 4. Said railway company shall, at its own proper cost and expense, conform to and comply with all the general regulations and ordinances of the city of Galveston now in force, or which may hereafter be adopted, relating to the construction and operation of a railway within the corporate limits of said city.

SEC. 5. In the event the city council of said city shall determine to pave or otherwise improve any portion of the streets upon which said railway company may have its line constructed, then the said company shall temporarily take up and remove its improvements free of cost to the city of Galveston for such purposes. All the lines of said railway shall be put in and kept in thorough repair and maintained in good order; and all work or repairs that shall be done upon any of its lines, which may, in any manner, affect the use of the streets by the public, shall be done in a manner to meet the approval of the city engineer, and shall be altered or changed by the said company whenever notified or directed to do so by said city engineer.

SEC. 6. Said railway company agrees to grade and pave, or otherwise improve, the portion of the street or intersection used or occupied by it, at its own cost and expense, and the cost of such improvements shall be a lien upon the property and franchises of said company. The portion of the street occupied by said company shall be deemed to mean all that portion of the same between the rails of all tracks laid and extending twelve inches beyond the outer edge of the rails of said road.

SEC. 7. Said railway company agrees to furnish and operate, at its own proper cost and expense, an arc electric light at each street crossed by the said railway throughout the length of the street or streets occupied by it.

SEC. 8. The said railway company shall not permit or allow its cars to stand on Avenue I, or Fifty-sixth street, for any time longer than what is absolutely required to take passengers on and let them off; and shall not, by the operation of said road or the stoppage of cars on the same, in any wise hinder or impede traffic or travel for any time longer than is absolutely necessary to load and unload its passengers.

SEC. 9. That the mode of power to be used in the operation of said road shall be electricity; and all the rights, privileges and franchises hereby granted are upon the express condition precedent, that the said road shall never use any motive power except electricity in the operation of said road; and any violation of this section shall, *ipso facto,* work a forfeiture of its rights herein and hereby granted.

SEC. 10. That all the rights, privileges and franchises herein granted are upon the express condition precedent that the said Galveston and Houston Electric Railway Company shall, within two years from the date thereof, be completed, with all necessary equipments, from the city of Houston to the city limits of said city of Galveston, before this franchise shall become operative or take effect; and the said construction and maintenance of said road to the western limits of said city are conditions precedent to the exercise of any of the rights, privileges or franchises herein granted.

SEC. 11. The said Galveston and Houston Electric Railway Company shall, within three years from the date of the passage of this ordinance, fill up and shell, at its own cost and expense, the said Avenue I from Fortieth street to Tremont street, such filling and shelling to be done under the direction and supervision of the city engineer of said city, and to his satisfaction, and according to the grades furnished by him, and the said street shall be, by said railway company, kept in such condition as that vehicles can pass over and across the same, and the rails of said railway company on said street shall be so laid as not to interfere with the travel in any way on or across the same. The filling and shelling of said street by said railway company is expressly made a condition precedent to the exercise of all the rights and privileges herein granted, and the failure to comply with the provisions of this section shall, *ipso facto*, work a forfeiture of all the rights, privileges and licenses granted by this ordinance.

SEC. 12. That if the said Galveston and Houston Electric Railway Company shall faithfully comply with all and singular the terms and conditions imposed by this ordinance and by the contract entered into between said railway company and said city, said contract to be executed not more than thirty days from the date thereof, and with all and singular the provisions of the charter and ordinances of said city of Galveston, as required by its city council, as the same now exists or may hereafter be enacted, then said company and its successors shall have and enjoy the rights, powers and privileges granted and conceded herein, for the term of thirty-five (35) years from and after the passage of this ordinance.

SEC. 13. In force from and after the date of its passage.

Read first time July 5, 1897.

Read second time and passed, at a regular meeting of the city council, held July 19, 1897.

[Approved July 21, 1897.

CHAPTER CXIV.

GRANT TO THE GALVESTON AND BOLIVAR STEAM FERRY COMPANY.

SECTION 1. That the consent of the city of Galveston be, and the same is hereby given to the Galveston and Bolivar Steam Ferry Company to create and construct or cause to be created and constructed at the north end of Seventh street in the city of Galveston an approach for the purpose of landing its steam ferry boats plying between Galveston and Bolivar; such approach to be built of wood and piling extending to the channel in such a manner as in no way to interfere with navigation or to amount to any impediment or obstruction whatsoever in the channel or harbor.

SEC. 2. Such approach shall be built and constructed subject to the approval of the city engineer of the city of Galveston and in a manner satisfactory to him, and the same shall be and is hereby made common landing place for all citizens of Galveston when not occupied as a landing place by the ferry boats of said company; provided, however, that upon the arrival from Bolivar peninsula of any ferry boat of said company laden with passengers or vehicles, such ferry boat shall be given the right of way and have first access to such landing place; but this provision is in no wise to be construed as giving to the said company the exclusive right of way over and along said approach or over and along the north end of said Seventh street as against the citizens of Galveston, and the rights of said citizens to use said street shall in no wise be impeded or hindered by this ordinance.

SEC. 3. That the said company undertakes to hold the said city of Galveston harmless and indemnify it against all suits, costs, expenses and damages that may arise or grow out of this grant or by reason of its occupation and use of the privilege and franchise herein granted, and undertakes and agrees, and does in the acceptance of this grant waive all claim of title to said portion

of Seventh street which may be occupied by it, by reason of possession, limitation or otherwise.

SEC. 4. That the grant hereby made shall extend only to such portion of said street as the said city of Galveston has the right to grant under the laws of the State and under the charter and ordinances of said city of Galveston, and shall not be construed to prejudice the right of the said city of Galveston to cause the said landing and all structures and piling erected in connection therewith to be removed whenever it shall be deemed necessary or expedient to the said city of Galveston to reopen said street to the channel and to use the same for public purposes.

SEC. 5. That this ordinance shall take effect and be in force from and after the date of its passage.

Passed under suspension of rules at regular meeting of city council, held March 21, 1898.

CHAPTER CXV.

GRANT TO THE COMMERCAL TELEPHONE COMPANY.

SECTION 1. That the Commercial Telephone Company, a corporation organized under and by virtue of the laws of the State of Texas, is hereby granted the right to erect poles and construct subways and to do anything and everything necessary for the proper construction, maintenance and operation of a long-distance telephone line above or under ground, along, across and upon the following streets and alleys, viz:

From the city limits on the west eastward along and on the north side of Avenue I to Twenty-ninth street. From the north side of Avenue I northward along and on the east side of Thirty-first street to the south side of Avenue A. From the north side of Avenue I northward along and on the east side of Twenty-ninth street to the alley between Avenue H and Avenue I; thence eastward along said alley to Twentieth street. From said alley northward and on the east side of Twenty-sixth street to the alley between Avenue B and Avenue C.

From Thirty-first street on and along the south side of Avenue A eastward to Twentieth street and thence southward on and along the west side of Twentieth street to the alley between Avenue H and Avenue I. On and along the alleys between

Avenue H and Avenue A from Twentieth street to Twenty-sixth street. From the west side of Twentieth street eastward crossing Twentieth street and on and along the south side of Avenue H to a point opposite the alley on the east of the court house, thence through said alley for connections, crossing all avenues, streets and alleys intervening on said routes.

SEC. 2. That all work done or to be done under this ordinance shall be done under the control and supervision of the city engineer and so as not to injure or interfere with traffic upon said streets and alleys or other use thereof by the public or others having prior rights thereon, and at all times the city and its authorities shall have and exercise authority and control over the said grant and the use thereof in the interest of the public in every way, and especially in all matters connected with the police powers of said city, and may at any time direct and compel the removal of poles, construction of subways or other construction to conform to public convenience or other necessity.

SEC. 3. That said grant shall not be assigned or transferred without the assent of the city being first obtained by ordinance duly enacted and subject always to the terms, provisions and conditions of this ordinance and of any other which the city may hereafter enact.

SEC. 4. That the property and appliances used and employed in the exercise of the franchise and right hereby granted shall throughout the full term of the grant be maintained in good and serviceable condition and shall be efficiently conducted and operated in the public service at reasonable rates to be determined, limited and fixed from time to time by the board of commissioners of said city or other authority exercising their functions.

SEC. 5. That the city of Galveston does not part with but hereby expressly reserves the right and duty at all times to exercise in the interest of the public full superintendence, regulation and control in every respect over said grant and the use thereof and especially in all matters connected with the police powers of said city.

SEC. 6. That in case any of the conditions and terms of this grant and of the use and of the exercise thereof, or any rule, regulation or provision now or hereafter enacted for observance in the construction, maintenance or operation of said telephone line

and its connections, shall be violated or not complied with in any respect or in case the same shall not be so used and exercised as to secure efficient public service at reasonable rates and the maintenance of the property in good condition throughout the full term of the grant, then, and in such case, the board of commissioners of said city or other authority exercising their functions may by ordinance declare said grant forfeited, or otherwise enforce compliance with its terms. The said Commercial Telephone Company shall within thirty days from the passage of this ordinance make and file with the city secretary a bond payable to the city in the sum of three thousand dollars, with sureties to be approved by the president and commissioners of finance and revenue and conditioned to indemnify the city against and for the cost and expense of removing the poles and other property of said company from the streets and alleys of the city in case the city shall have to effect such removal, and shall remove such poles and property on account of non-use of this grant for the space of two years from the date of the passing of this ordinance.

SEC. 7. That the maximum tolls, rates and charges to be made and charged for public service into and out of Galveston over the lines of said Commercial Telephone Company and its connections shall be 25 per cent. less than the rates now charged over other line or lines for the same service; or in lieu of such reduction in charge an increase in time allowance of not less than 25 per cent. over that allowed for communications at present rates over other line or lines; provided, however, that all messages and conversations to and from the officials of the city of Galveston concerning the public business and affairs of said city shall pass and be transmitted free of charge or toll over the lines of said Commercial Telephone Company and over all local connections therewith, and also over connecting long distance telephone lines, at the lowest rate for which other like messages to or from Galveston are carried over such connecting long distance lines.

SEC. 8. That this grant shall take effect and be operative fifty years from the date of the passage of this ordinance and at the option of the city be forfeited at any time in case said Commercial Telephone Company shall violate or fail to comply with any of the provisions, terms and conditions of this grant or of any

ordinance, rule or regulation that may be hereafter enacted or adopted concerning the same by the city of Galveston.

SEC. 9. That this ordinance take effect and be in force from and after its passage.

CHAPTER CXVI.

GALVESTON SEWER COMPANY.

SECTION 1. That there be and is hereby granted to the Galveston Sewer Company, a corporation organized under and pursuant to the laws of the State of Texas, and its legal successors and assigns, for the term of fifty years, from and after the final passage of this ordinance, the right and privilege to lay a system of sewer pipes beneath the surface of the streets, avenues and alleys of the city of Galveston, for the construction of a system of sewerage in said city and to operate and maintain said system under such ordinance established by the city council.

SEC. 2. That the system to be constructed, operated and maintained is that known as the Galveston Sewer Company's system, owned and controlled by said company.

SEC. 3. That said system shall be constructed in a good and thorough manner under plans prepared by a sanitary engineer, who shall be appointed by the mayor, with the consent of the city council, whose plans shall be submitted to the city council and city engineer for approval. The construction of said sewer system will at all times be under the direction of the city engineer, in conjunction with the sanitary engineer; provided, that the city shall be at no expense in the matter of the compensation of such sanitary engineer.

The said system shall be constructed as follows:

All main sewers running from the bay to the north side of Avenue M, or as far as may be considered practicable by the engineer, to be of the best quality of cement pipe in various sizes, said pipe to have a flat base as per plans shown, and to be laid upon a plank foundation, and put together and joined with the best Portland cement to a smooth surface on the inside. Brick manhole to be built at the intersection of each alley. Then east and west from each manhole there shall be laid a line of sewer alley laterals of no less than eight inches in diameter, internal, and

of the best quality of double strength salt glaced vitrified pipe. Said eight-inch pipe will in no case be any greater distance than two blocks, 660 feet, in length from the main sewer on each side.

Then there shall be abreast of each lot, or building on lot or lots, a Y for house connections. These branches are to be properly capped at the sewer ends until such connections are made. The said mains shall be constructed, if the city so desires, for a combined system of sewerage and storm water which will allow all storm waters from streets and alleys to pass off through said sewer from the north side of M into the bay. The outlet of said sewer system to empty into the channel beyond the bulkheads of wharves and the ends of all discharging sewer mains to be below the level of ordinary high tides.

SEC. 4. That the said city of Galveston is to have the use of said system for the removal of the sewerage of its public buildings, and all public school buildings, and engine houses, city hall, markets and urinal closets, free of all costs and charges, after said buildings are connected with said sewer system, and in consideration thereof, the property, franchise, privileges, stock earnings of said company, its successors and assigns, shall be exempt from all assessments and taxes and other charge whatever, and the said city of Galveston agrees to furnish sufficient water for flushing out said sewer system at all times, when required, free of any charge to said sewer company, and in the event said sewer system is constructed under this franchise with the view of carrying off the storm water, the city shall then pay to the Galveston Sewer Company its proportion of the cost of construction of the main sewers, together with the cost of all catch basins. Such cost shall be arrived at through the city engineer.

SEC. 5. That the said city council shall regulate and control the charges for the connections for any and all buildings with said sewer system, which charges shall be final, and the said Galveston Sewer Company, its successors and assigns, as the case may be, shall have a lien upon the property so connected with, and may charge and collect in advance for such sewer service for a year, or a fractional part of a year, not to exceed the following rates, to-wit:

(1) For each hotel and factory and restaurant:

First three closets, $1.50 per month each; all additional closets,

75 cents each per month; for connecting slop hoppers, 75 cents per month each.

(2) For stores, warehouses, offices, saloons and bar-rooms:

The first closet, $1.50 per month each; second closet, $1.00 per month; all additional closets, 50 cents per month each.

(3) For all public buildings other than city buildings, public school buildings and engine houses:

The first three closets, $2.00 per month each; all additional closets, $1.50 per month each.

(4) For each boarding house:

The first two closets, $1.25 per month each; all additional closets, 75 cents per month each; for connecting slop hoppers with sewer, 50 cents per month additional.

(5) For each private residence or cottage:

The first closet, $1.00 per month; all additional closets, 50 cents per month each; for connecting slop hoppers with sewer, 50 cents per month.

(6) For each livery stable:

The first closet, $1.50 per month; second closet, $1.00 per month; for carrying off waste water and urine from horses, $1.00 per month.

(7) For all other buildings not mentioned in this schedule will be charged in proportion, property owners paying for all grease hoppers, traps and pipe connections from the sewer line into their premises. And for all other places, such rates as may be fixed by said company, its successors and assigns, as the case may be. That the price to be paid for connections with the main or lateral pipes is not to exceed one dollar ($1.00) for each foot of pipe used in making said connections, and that all such connections are to be made by the company, its successors or assigns.

SEC. 6. That, should any charge, due and payable, as provided by the last foregoing article, remain unpaid and in arrears for the space of thirty days, the said company, its successors or assigns, may cut off all connections between said sewer and the pipes on the premises, in respect to which said charges shall not be paid, and when any sewer lateral or laterals have been completed in any alley for the receiving of house sewerage, then the city council shall cause and compel, at once, said owner of said building to connect with said sewer system under existing ordi-

nances covering the same. No buildings will be allowed to connect with said sewer system until a permit has been first procured from the sewer company and filed in the city clerk's office for record. And any one making any connection with any part of said sewer system, without first having obtained the permit herein prescribed, shall be subject to a fine in any sum not less than twenty-five nor more than fifty dollars, recoverable before the recorder, or any other court of competent jurisdiction.

SEC. 7. That said company, its successors or assigns, as the case may be, shall restore the surface of any street, avenue, lane or alley beneath the surface of which said pipes shall be laid, to as good condition as it was in previous to the laying of the pipes, and whenever the company, its successors or assigns, shall neglect, after five days' notice from the city of Galveston, to repair any damage to any street, avenue, lane or alley, caused by said company, its successors or assigns, the said city may have the same repaired, and may collect the reasonable costs of such repairing from said company, its successors or assigns, as the case may be.

SEC. 8. The said company, its successors or assigns, shall begin the construction of said sewer system within five months after this ordinance takes effect, and shall complete the said sewer system, district by district, within such time as the city may require thereafter, and the first district under construction shall have been completed before work on any other district is allowed to start.

SEC. 9. That said company, its successors or assigns, is not to open any street, lane, avenue or alley without the consent of the proper authority.

SEC. 10. In the event that the city should at any time determine to construct its own system of sewerage, then, in that event, it shall purchase and become owner of all the sewerage system of this company, then completed or in process of actual construction, at a price or valuation, to be ascertained or fixed by arbitration, as follows: One arbitrator to be selected by the city, another by the sewer company, and in the event of disagreement, a third as umpire, to be selected by these two arbitrators, and the decision of the majority to be final.

SEC. 11. The said city shall at all times assist the said company, its successors or assigns, either by the passage of ordinances,

or by such other action as may be necessary to carry out the true intent and meaning of this ordinance, to the end that said company, its successors and assigns, may not and shall not be interfered with in the prosecution of the construction, management or maintenance of said sewers in any of the avenues, streets or alleys in said city by any individual or corporation.

SEC. 12. That the said sewer company shall execute and deliver to the city clerk, for the benefit of the city of Galveston, a good and sufficient bond in the sum of ten thousand dollars ($10,000), payable to the mayor, or his successor in office, conditioned that said sewer company will faithfully discharge their duties and comply with their contract in all matters relative to the within sewer system.

SEC. 13. This ordinance shall take effect from and after its passage: provided, that the plans and specifications for the construction of said sewer system, after the same shall have been adopted, as provided for in section 3 of this ordinance, shall be considered, and the same are hereby made a part of this ordinance.

INDEX TO APPENDIX.

	Chapter
Anderson, George—	
Grant to	LXXIX
Ball High School—	
South half block 321 set apart for use of	LXIX
Bonds—	
For purchase of block 321	I
Galveston thirty-year limited debt	II
Galveston forty-year limited debt	III
Waterworks, street improvement and city hall	IV
Galveston forty-year limited debt of 1891	V
General indebtedness funding bonds of 1895	VI
Forty-year waterworks bonds of 1896	VII
Public schoolhouse bonds of 1897	VIII
General indebtedness funding bonds of 1897	IX
Sewerage bonds	X
Brush Electric Light and Power Company, grant to erect poles and wires	CX
Charles Clarke and associates, grant to lay oil-pipe lines	CIV
Commercial Telephone Company	CXV
Galveston Bagging and Cordage Company—	
Grant to use streets	LVIII
Galveston, Brazos and Colorado Narrow Gauge Railway Company—	
Grant of right of way	L
Galveston City Railroad Company—	
Contract with	XXX
Grant to People's Railway Company	XXXI
Grant of right of way	XXXII
Grant of right of way	XXXIII
Grant of right of way	XXXIV
Grant of right of way	XXXV
Revocation of grant	XL
Grant to change to electric power	LXXXIV
Grant of right of way	LXXXV
Grant for oil-pipe line	LXXXVI
Grant to lay oil-pipe line and tanks	LXXXVII
Grant to Charles F. Hotchkiss et al.	LXXXVIII
Galveston Gas Company—	
Grant to Alfred T. James and others	LIII

	Chap.
Galveston, Houston and Henderson Railroad Company—	
Grant of right of way	XLIV
Grant of right of way	XLVII
Grant of right of way	XCII
Grant of right of way	XCIII
Grant of right of way	XCIV
Grant of right of way	XCV
Galveston Jetty Railway Company—	
Grant of right of way	XLIX
Grant of right of way	XLIXa
Grant of right of way	LXXVIII
Galveston Wharf and Cotton Press Company—	
Act of incorporation	LXII
Amendment of charter	LXIII
Galveston Wharf Company—	
Act of incorporation	LXIII
Decree of compromise	LXIV
Confirmation of compromise by act of legislature	LXV
Grant of right of way by city council	LXVI
Grant of right of way by legislature	LXVII
Confirmation of grant by city council	LXVIII
Gulf City Street Railway and Real Estate Company—	
Grant to T. D. Allan and associates	XXXVI
Grant of T. D. Allan and associates	XXXVII
Grant of right of way	XXXVIII
Grant of right of way	XXXIX
Grant of right of way	XL
Grant of right of way	XLa
Grant of right of way	XLI
Grant of right of way	XLII
Gulf, Colorado and Santa Fe Railway Company—	
Grant of right of way	XLIII
Grant of right of way	XLIV
Grant of right of way	XLV
Grant of right of way	XLVI
Grant of right of way	XLVII
Grant of right of way	XLVIII
Grant of right of way	LXXXI
Grant of right of way	LXXXII
Grant of right of way	LXXXIII
Galveston and Western Railway—	
Grant of right of way	LII
Galveston Rope and Twine Company—	
Granting certain rights to	LXXI

	Chap.
Galveston Cotton and Woolen Mills—	
Granting certain rights to	LXXII
Galveston Sewer Company—	
Grant to construct sewers	LXI–CXVI
Galveston, LaPorte and Houston Railway—	
Grant of right of way	LXXXIX
Grant of right of way	XC
Grant of right of way	XCI
Galveston Brewing Company—	
Grant to lay railroad switches	CVII
Galveston and Western Railway Company—	
Grant of right of way	LXXXIX
Galveston, Houston and Northern Railway Company—	
Grant of right of way	XXVI
Grant of right of way	XXVII
Grant of right of way	XXVIII
Grant of right of way	XXIX
Collis P. Huntington—	
Grant to construct wharves, cross and close streets	XCVII
Grant to lay railroad tracks	XCVIII
Heidenheimer, Sampson and Associates—	
Grant to	LVII
Heffron, Isaac, and Associates—	
Grant to construct sewers	LX
A. S. Newson and Associates—	
Grant for telephone line	CVI
Postal Telegraph Cable Company—	
Grant to erect poles and wires	CXI
Henry Rosenberg's Executors—	
Erection of a monument on Broadway	CIX
Ladd, W. F., and Associates—	
Grant to construct awnings over sidewalks	LVI
Sealy, John, Executors of—	
Donation, acceptance of	LIX
Sealy Hospital—	
South half of block No. 668 dedicated to	LIX
Donation of, to State of Texas	LXX
Leased to Texas Medical College and Hospital	LXXVI

	Chap.
South Galveston and Gulf Shore Railroad Company—	
Grant of right of way to	LXXIV
Southwestern Telephone and Telegraph Company—	
Grant to lay underground conduits	CV
Taxes, Municipal.—	
Levied for 1894	XI
Levied for 1895	XII
Levied for 1896	XIII
Levied for 1897	XIV
Levied for 1898	XV
Levied for 1899	XVI
Levied for 1900	XVII
Levied for 1901	XVIIa
Taxes, School.—	
Levied for 1893	XVIII
Levied for 1894	XIX
Levied for 1895	XX
Levied for 1896	XXI
Levied for 1897	XXII
Levied for 1898	XXIII
Levied for 1899	XXIV
Levied for 1900	XXV
Levied for 1901	XXVa
Texas-Mexican Railway Company—	
Grant of right of way to	LI
Texas Medical College—	
Lease to	XXXVI
Texas Star Flour Mills—	
Grant to erect buildings	CVIII
United States Government—	
Grant of right of way	XCIX
Grant to acquire land and close streets	C
Grant of right of way	CI
Grant in Denver Resurvey	CII
Grant for coal station	CIII–CIIIa
United States Telephone and Telegraphic Company—	
Grant of right of way	CXII
Galveston and Bolivar Steam Ferry Company—	
Right to establish wharf on Seventh street	CXIV
Galveston and Houston Electric Railway Company—	
Grant of right of way	CXIII

CATALOGUE

OF THE

CITY GOVERNMENT

FROM ITS INCORPORATION MARCH, 1839, TO JUNE, 1893.

March, 1839, to June, 1840.*

JOHN M. ALLEN, Mayor.

Aldermen:

Gail Borden, Jr.,	Joseph Taylor,
W. B. Nichols,	John C. Shaw,
C. F. Baumlin,	N. Taylor,
N. Griffith,	C. H. Vanwinkle,
John S. Evans,	N. B. Yard,
B. S. Watson,	D. S. Kelsy,
L. Westcott,	C. M. Gahagan,

John Derrick.

John N. Reed, secretary; Leander Westcott, marshal; Peter J. Menard, treasurer; Lent M. Hitchcock, harbor master; James M. McKnight, recorder.

June, 1840, to March, 1841.

JOHN H. WALTON, Mayor.

Aldermen:

Josh C. Shaw,	W. B. Nichols,
Lent M. Hitchcock,	S. W. Tichenor,
B. A. Shepherd,	Michael Seeligson,
Peter J. Menard,	John D. Groesbeck,

John S. Sydnor.

George Haswell, secretary; Leander Westcott, marshal; William Fields, treasurer; J. Seldon, harbor master.

* The board consisted always of nine aldermen, but several resigned in 1839, and their places were filled.

† In 1840 occurred the war of the old and new charter parties. From June to August, Allen and Walton both claimed to be mayor, with distinct aldermen. Walton and the new charter triumphed.

1841.

JOHN M. ALLEN, Mayor.

Aldermen:

Oscar Farish,	A. J. Cody,
Lent M. Hitchcock,	Jacob L. Briggs,
Stephen Kirkland,	S. W. Tichenor,
James Foulhouze,	W. B. Nichols,

R. M. Hannay.

John S. Jones, secretary; Leander Westcott, marshal; J. M. Branham, treasurer; Lent M. Hitchcock, harbor master.

1842.

J. M. BRANHAM, Mayor.

Aldermen:

Hamilton Stuart,	Andrew Baldinger,
Al. A. M. Jackson,	Oscar Farish,
A. Swingle,	Lent M. Hitchcock,
John M. Jones,	William Garlick,

A. C. Crawford.

Alfred F. James, secretary; Leander Westcott, marshal; T. T. Hopkins, treasurer; Lent M. Hitchcock, harbor master.

1843.

JOHN M. ALLEN, Mayor.

Aldermen:

Hamilton Stuart,	Francis Q. Brown,
Lent M. Hitchcock,	Joshua C. Shaw,
M. Meugins,	Oscar Farish,
A. J. Maynard,	E. L. Ufford.

John S. Jones, secretary; Leander Westcott, marshal; Frank Hitchcock, treasurer; Lent M. Hitchcock, harbor master; F. H. Merriman, recorder.

1844.

JOHN M. ALLEN, Mayor.

Aldermen:

John M. Jones,	Lent M. Hitchcock,
Jacob L. Briggs,	R. P. Jones,
Joshua C. Shaw,	A. J. Maynard,
E. Sevier,	A. C. Crawford,

John Armstrong.

Daniel Marston, secretary; J. H. F. Chapman, marshal; Frank Hitchcock, treasurer; N. Hurd, harbor master; Stacy B. Lewis, Aaron Burns, J. Lambert, port wardens (first authorized).

1845.

JOHN M. ALLEN, Mayor.

Aldermen:

Oscar Farish,	James Cronigan,
John H. Bennett,	Jacob L. Briggs,
A. C. Crawford,	John Armstrong,
John M. Jones,	Lent M. Hitchcock,

Hamilton Stuart.

Daniel Marston, secretary; J. H. F. Chapman, marshal; Frank Hitchcock, treasurer; N. Hurd, harbor master; Aaron Burns, J. Sheldon, J. M. Seymour, port wardens.

1846.

JOHN S. SYDNOR, Mayor.

Aldermen:

Oscar Farish,	A. C. Crawford,
A. J. Maynard,	John H. Bennett,
Simon L. Jones,	Hamilton Stuart,
Wm. C. Byrne,	Antone Officier,

H. A. Cobb.

Daniel Marston, secretary; Ferdinand Flake, marshal; Lent M. Hitchcock, treasurer; Luke A. Falvel, harbor master; Stacy B. Lewis, Aaron Burns, F. C. Cobb, port wardens.

1847.

JOHN S. SYDNOR, Mayor.

Aldermen:

Oscar Farish,	A. C. Crawford,
E. L. Ufford,	Josh C. Shaw,
E. S. Wood,	S. W. Tichenor,
Stephen Kirkland,	H. A. Cobb,

A. J. Maynard.

Daniel Marston, secretary; W. N. Sparks, marshal; Lent M. Hitchcock, treasurer; R. F. Cobb, harbor master; Stacy B. Lewis, Aaron Burns, J. Perry, port wardens.

1848.

JOSEPH BATES, Mayor.

Aldermen:

John L. Darragh,	Morgan L. Parry,
Geo. H. Delesdernier,	Lent M. Hitchcock,
Stephen Southwick,	James G. Hurd,
James M. Brown,	William R. Smith,

Michael Seeligson.

Daniel Marston, secretary; John Howe, marshal; Lent M. Hitchcock, treasurer; Aaron Burns, harbor master; N. Hurd, Henry Austin, Charles Behling, port wardens.

1849.

HAMILTON STUART, Mayor.

Aldermen:

Morgan L. Parry,	Geo. H. Delesdernier,
John L. Darragh,	Christopher Fox,
Charles L. Beissner,	Cephas B. Adams,
Williams R. Smith,	E. L. Ufford,

Ephraim McLean.

E. A. Rhodes, secretary; N. S. Hill, marshal; John H. Bennett, treasurer; Aaron Burns, harbor master; Nathaniel Hoyt, Henry Austin, Charles Behling, port wardens.

1850.

HAMILTON STUART, Mayor.

Aldermen:

E. P. Hunt,	George Ball,
Charles L. Beissner,	Henry Journeay,
Joshua C. Shaw,	H. A. Cobb,
Benjamin Van Buren,	George H. Delesdernier,

E. O. Lynch.

Wm. M. Sergeant, secretary; Powell R. Edwards, marshal; John H. Bennett, treasurer; Thos. W. Marshall, harbor master; Charles Behling, N. Hoyt, A. P. Lufkin, port wardens.

1851.

HAMILTON STUART, Mayor.

Aldermen:

E. P. Hunt,	E. O. Lynch,
Simon L. Jones,	Mark M. Potter,
Geo. H. Delesdernier,	Charles L. Beissner,
Henry Journeay,	James P. Sherwood,

Allen Lewis.

Wm. M. Sergeant, secretary; Powell R. Edwards, marshal; Lent M. Hitchcock, treasurer; Thos. W. Marshall, harbor master; N. Hoyt, Aaron Burns, Charles Behling, port wardens.

1852.

HAMILTON STUART, Mayor.

Aldermen:

E. O. Lynch,	Geo. H. Delesdernier,
S. Graves,	E. L. Ufford,
F. W. Schmidt,	Edward Keough,
Cephas B. Adams,	Wm. P. Crow,

Charles Behling.

Wm. M. Sergeant, secretary; N. S. Hill, marshal; John H. Bennett, treasurer; N. Hoyt, harbor master; A. P. Lufkin, H. A. Wilson, H. W. Patrick, port wardens; Edward Drew, sexton.

1853.

M. SEELIGSON (resigned), WILLARD RICHARDSON, Mayor.

Aldermen:

John S. Jones,	Jacob H. Thackera,
Michael Jordan,	Christopher Fox,
Stephen Kirkland,	Jacob L. Briggs,
David Webster,	John P. Davie,

J. H. LePert.

Leroy H. Smith, secretary; N. S. Hill, marshal; John H. Bennett, treasurer; N. Hoyt, harbor master; H. W. Patrick, E. L. Ufford, Dan Phillips, port wardens; John N. Reed, searcher of vessels; Edward Drew, sexton.

1854.

JAMES CRONICAN, Mayor.

Aldermen:

E. Walbridge,	James Sorley,
Gilbert Winnie,	John S. Jones,
Edward Hill,	Charles L. Beissner,
P. R. Edwards,	Isidor Dyer,

Jacob L. Briggs.

Leroy H. Smith, secretary; John N. Reed, marshal; John H. Bennett, treasurer; Thomas W. Marshall, harbor master; Daniel Phillips, Joshua C. Shaw, George Westrop, port wardens; Peter Delbrel, searcher of vessels; Edward Drew, sexton.

[NOTE.—The office of surveyor has been filled by John O. Trueheart, John DeYoung, S. P. Brown and others; that of weigher by William M. Hudson, A. Allen, Ira Day, N. Parker, H. King, George B. Innis, L. W. Dake and H. Julfs, at different periods. Some offices have been irregular. Until 1852 the subordinate officers were elected by the council. Resignations not noted have occurred, and the vacancies have been filled. Much confusion prevailed in 1840, in consequence of the new charter raising doubts; so, also, in 1853; but the elected officers all held their seats. About June, however, Mayor Seeligson resigned, and was succeeded by Willard Richardson for the remainder of the term. The secretary has heretofore been termed "city clerk;" under the new charter he was designated as "secretary."]

1855.

JAMES E. HAVILAND, Mayor.

Aldermen:

Hamilton Stuart,	H. B. Martin,
John S. Jones,	R. H. Howard,
James Cronican,	Jacob L. Briggs,
Allen Lewis,	Joseph W. Rice,

P. R. Edwards.

Leroy H. Smith, city secretary; John N. Reed, marshal; David Wakelee, treasurer; Thomas W. Marshall, harbor master; Joshua C. Shaw, Charles Behling, J. W. Wood, port wardens; Peter Delbrel, searcher of vessels; John DeYoung, surveyor; Edward Drew, sexton; A. Allen, weigher.

1856.

JOHN HENRY BROWN, Mayor.

Aldermen:

Leslie A. Thompson,	Julius Kauffman,
John L. Darragh,	Charles L. Beissner,
John P. Davie,	J. W. Benedict (res.),
E. L. Ufford,	N. Lidstone,
N. B. Yard (vac.),	William Shields.

Leroy H. Smith, secretary; John N. Need, marshal; David Wakelee, treasurer; Thomas W. Marshall, harbor master; A. P. Lufkin, Frank Hitchcock, Lewis Parker, port wardens; Edward Drew, sexton; Peter Delbrel, searcher of vessels; John O. Trueheart, surveyor; William M. Hudson, weigher.

1857.

JOHN HENRY BROWN, Mayor.

Aldermen:

H. Julfs,	T. M. League,
L. A. Thompson,	C. L. Beissner,
J. S. Sydnor,	D. D. Atchison,
James Magean,	A. P. Lufkin,
M. Menard,	B. C. Franklin,
W. Shields,	N. Lidstone.

Charles E. Thompson, secretary; John N. Reed, marshal; William C. Griffith, assessor and collector; David Wakelee, treasurer; Luke A. Falvel, harbor master; John DeYoung, surveyor; Frank Hitchcock, Joseph McLellan and Lewis Parker, port wardens; William M. Hudson, weigher, gauger and measurer; Peter Delbrel, searcher of vessels; Edward Drew, sexton.

1858.

THOMAS M. JOSEPH, Mayor.

Aldermen:

James Magean,	Peter J. Menard,
W. Shields,	D. D. Atchison,
C. L. Beissner,	C. H. Leonard,
A. P. Lufkin,	P. C. Tucker,
N. Lidstone,	J. L. McKeen,
H. Journeay,	Julius Frederich.

John N. Reed, marshal; H. Julfs, assessor and collector; D. Wakelee, Jr., treasurer; John DeYoung, surveyor; Luke A. Falvel, harbor master; Frank Hitchcock, J. L. McClellan and Lewis Parker, port wardens; B. Theron, weigher and gauger; Peter Delbrel, searcher of vessels; Edward Drew, sexton; Charles E. Thompson, secretary.

1859.

THOMAS M. JOSEPH, Mayor.

Aldermen:

H. Journeay,	E. T. Austin,
Peter J. Menard,	John Muller,
D. D. Atchison,	A. S. Ruthven,
C. H. Leonard,	G. W. Beissner,
P. C. Tucker,	William Thompson,
J. L. McKeen,	J. H. Hutchings.

John N. Reed, marshal; Allen Cameron, assessor and collector; D. Wakelee, Jr., treasurer; James Magean, harbor master; John DeYoung, surveyor; Peter Delbrel, searcher of vessels; Edward Drew, sexton; Alex. Pitt, inspector and gauger; Frank Hitchcock, Lewis Parker and Samuel Crowley, port wardens; Charles E. Thompson, secretary.

1860.

THOMAS M. JOSEPH, Mayor.

Aldermen:

E. T. Austin,	J. C. Kuhn,
John Muller,	F. H. Merriman,
A. S. Ruthven,	C. H. Leonard,
G. W. Beissner,	T. A. Wilson,
William Thompson,	H. B. Andrews,
J. H. Hutchings,	M. Kimley,
B. Tiernan,	L. Behler,
Theodore Wagner,	W. Evans.

John H. Westerlege, marshal; Allen Cameron, assessor and collector; Aaron Burns, harbor master; D. Wakelee, Jr., treasurer; M. C. Lawton, surveyor; B. Magean, searcher of vessels; F. Peters, sexton; J. J. Jenny, weigher and gauger; Frank Hitchcock, Lewis Parker and Luke A. Falvel, port wardens; J. W. Moore, secretary.

1861.

THOMAS M. JOSEPH, Mayor.

Aldermen:

B. Tiernan,	Theodore Kleinecke,
Theodore Wagner,	F. W. Behrman,
J. C. Kuhn,	G. W. Beissner,
C. H. Leonard,	George C. Rains,
Medard Menard,	E. L. Ufford,
N. Lidstone,	I. Dyer,
H. B. Andrews,	L. Behler,

M. Kimley.

John H. Westerlege, marshal; Allen Cameron, assessor and collector; David Wakelee, Jr., treasurer; Aaron Burns, harbor master; Charles Behling, William H. Prowse and Frank Hitchcock, port wardens; Tipton Walker, surveyor; L. Antoine, searcher of vessels; M. Cahill, sexton; V. Koenig, weigher and gauger; J. W. Moore, secretary.

1862.

THOMAS M. JOSEPH, Mayor.

Aldermen:

Henry B. Andrews,	C. L. Behler,
A. Baldinger,	G. W. Beissner,
I. Dyer,	V. Favrow,
G. W. Grover,	——— Junker,
F. M. Kauder,	George C. Rains,
Christopher Fox,	S. B. Hurlbut,
Theodore Kleinecke,	C. A. Kauffman,
B. Tiernan,	E. L. Ufford.

John H. Westerlage, marshal; David Wakelee, treasurer; R. H. Howard, assessor and collector; Aaron Burns, harbor master; Paul Helferich, surveyor; J. J. Jenny, weigher and gauger; F. Gillett, searcher of vessels; M. Cahill, sexton; Frank Hitchcock, Lewis Parker, W. H. Prowse, port wardens; J. W. Moore, secretary.

1864.

CHARLES H. LEONARD, Mayor.

Aldermen:

Oscar Farish,	H. C. L. Aschoff,
B. Tiernan,	J. Cronican,
C. Jordan,	E. H. Seiling,
N. Lidstone,	F. N. Kauder,
H. Reybaud,	J. Shackleford,
J. P. Nash.	

James P. Cole, recorder; David Wakelee, treasurer; Sidney Scudder, assessor and collector; J. W. Moore, secretary; John H. Westerlage, marshal; Nathan Smith, superintendent of streets; M. Cahill, sexton.

1865.

CHARLES H. LEONARD, Mayor.

Aldermen:

E. Neibor,	B. Tiernan,
E. H. Seiling,	I. F. W. Ahrens,
James P. Nash,	J. Cronican,
C. Jordan,	J. Shackleford,
F. N. Kauder,	J. Bullacher.

Sidney Scudder, assessor and collector; David Wakelee, treasurer; John H. Westerlage, marshal; J. S. Beers, clerk; M. Cahill, sexton; William H. Prowse, searcher of vessels; Andrew Verberne, bell ringer.

1866.

CHARLES H. LEONARD, Mayor.

Aldermen:

I. F. W. Aherns,	John Bullacher,
C. Jordan,	E. Neibor,
H. Reybaud,	B. Tiernan,
J. Cronican,	Oscar Farish,
John Shyenholtz,	R. D. Johnson,
E. L. Ufford,	P. H. Carville.

John H. Westerlage, marshal; Sidney Scudder, assessor and collector; David Wakelee, treasurer; Aaron Burns, harbor master; James G. Sewell, secretary; W. Prowse, Lewis Parker, J. Foster, port wardens; M. Cahill, sexton; Dr. Dowell, hospital physician; H. Stuart, city printer; J. S. Jones, recorder; R. H. Howard, city attorney.

1867.

J. C. HAVILAND, Mayor.*

Aldermen:

John Bullacher,	Oscar Farish,
C. Jordan,	H. Keybaud,
B. Tiernan,	R. D. Johnson,
E. L. Ufford,	P. Koehler,
N. B. Yard,	P. H. Hennessey,

P. H. Carville.

Sidney Scudder, assessor and collector; James G. Sewell, city clerk; John H. Westerlage, marshal; M. Hussey, street commissioner; Aaron Burns, harbor master; M. F. Mott, city attorney; M. Cahill, sexton; H. Munn, W. Prowse, D. McClusky, port wardens; Tipton Walker, city surveyor; John McDonald, lumber inspector; Charles L. Buchner, gauger and weigher; Hamilton Stuart, city printer.

1868†

I. G. WILLIAMS, Mayor.

Aldermen:

N. B. Yard,	Oscar Farish,
P. H. Moser,	P. H. Hennessey,
John Bullacher,	P. H. Carville,
H. Reybaud,	B. Tiernan,
C. Jordan,	P. Koehler,

E. L. Ufford.

James G. Sewell, secretary.

* Mayor J. C. Haviland was removed from office by order of Major-General Griffin, June 17, 1867, and I. G. Williams appointed to fill the vacancy.

† The election of officers for 1868 was prohibited by military orders, and vacancies caused by removal or otherwise filled by military appointment.

1869.

JAMES A. McKEE, Mayor.

Aldermen:

F. C. Mosebach,	A. Somerville,
Isaac Moses,	Edward T. Austin,
J. W. Allen,	Selim Rinker,
Julius Frederich,	Theodore Wagner,

B. Rush Plumly.

R. Y. Bolling, city clerk; J. E. Cowan, assessor and collector; Thomas Cromer, marshal; H. J. Labatt, treasurer; R. T. Bilderbeck, weigher and gauger; John H. Gallager, harbor master; John G. Falon, surveyor of lumber and shingles.

1870.

JAMES A. McKEE, Mayor.

Aldermen:

Edward T. Austin,	Jesse Stancel,
Julius Frederich,	F. C. Moseback,
Selim Rinker,	N. Patten,
J. C. Ogle,	Sanford Mason,
B. Rush Plumly,	D. M. Baker,
Theodore Wagner,	Isaac Moses.

R. Y. Bolling, city clerk.

March 6, 1871.

JAMES A. McKEE, Mayor.

Aldermen:

Julius Frederich,	F. C. Mosebach,
W. E. Parker,	J. C. Ogle,
Johnson Reed,	Sanford Mason,
D. M. Baker,	J. R. T. Haynes,
H. Ballinger,	Hamilton Stuart,
Jesse Stancel,	N. Patten.

T. H. L. Payne, city clerk.

June 5, 1871.

ALBERT SOMERVILLE, Mayor.

Aldermen:

James M. Brown,
R. Colwell,
M. Kopperl,
Henry Rosenberg,
John Sealy,
Nathan Patten,
Thomas Baker,
Julius Frederich,
Wm. E. Parker,
Hamilton Stuart,
J. P. Cole,
Johnson Reed.

C. C. Allen, City Clerk.

1872.

ALBERT SOMERVILLE, Mayor.

Aldermen:

Thomas Baker,
J. P. Cole,
Julius Frederich,
M. V. McMahan,
Johnson Reed,
Hamilton Stuart,
J. M. Brown,
Robert Colwell,*
M. Kopperl,
N. Patten,
John Sealy,
Sidney Scudder,†
Henry Rosenberg.

J. C. Ogle, superintendent of streets; C. C. Allen, city clerk; John S. Rhea, recorder; Luke A. Falvel, harbor master; A. Hoxie, city engineer; C. S. Sabin, attorney; D. Wakelee, treasurer; Charles H. Leonard, collector; J. P. Harrison, assessor; Dr. George W. Peete, health physician; Dr. C. Campbell, hospital physician; U. G. Baker, immigration agent; J. Hannay and R. J. Crozier, health inspectors; A. W. Kempton, chief of police; E. McCormick, deputy chief of police; John H. Westerlage, chief engineer fire department.

* Removed. † Appointed vice Colwell.

1873.

C. W. HURLEY, Mayor.

Aldermen:

H. Ballinger,	C. Jordan,
J. C. Ogle,	J. H. F. Chapman,
John DeBruehl,	Charles Fowler,
J. W. Jockusch,	F. D. Mitchell,
George Sealy,	P. H. Carville,
T. K. Hawkins,	F. C. Mosebach.

C. C. Allen, city clerk; Walter L. Mann, city attorney; D. Wakelee, treasurer; J. P. Harrison, assessor; Charles H. Leonard, collector; Martin McDermott, superintendent of streets; G. M. Frazell, engineer; Ed Collier, recorder; John H. Westerlage, chief of police; Dr. George W. Peete, health physician; Dr. C. Ganahl, hospital physician; C. Blakeman, harbor master; David McCluskey, William Green, port wardens; M. Cahill, city sexton.

1874.

C. W. HURLEY, Mayor.

Aldermen:

C. Jordan,	Frank Marlow,
J. C. Ogle,	X. B. DeBray,
J. W. Jockusch,	George Sealy,
J. H. F. Chapman,	Charles Fowler,
P. H. Hennessy,	P. H. Carville,
T. K. Hawkins,	F. C. Mosebach.

C. C. Allen, city clerk; W. L. Mann, city attorney; B. M. Hobby, treasurer; F. C. Jeffrey, assessor; C. H. Leonard, collector; T. A. Washington, superintendent of streets, vice Hardy Eddins, resigned; A. Cross, engineer; R. M. Tevis, recorder; John H. Westerlage, chief of police; M. M. Jordan, deputy chief of police; Dr. George W. Peete, health physician; W. H. Prowse, health inspector; Dr. C. Ganahl, hospital physician; C. Blakeman, harbor master; Daniel McCluskey, William Green, W. F. Rogers, port wardens; M. Coffee, market inspector; John Highland, lumber inspector; U. G. Baker, immigration agent; M. Cahill, city sexton.

1875.

R. L. FULTON, Mayor.

Aldermen:

C. Jordan,	Frank Marlow,
Andrew Munn,	Felix Halff,
C. M. Mason,*	George Sealy,
William Boyd,	J. H. F. Chapman,
P.H. Hennessy,	P. H. Carville,
George B. Nichols,	Fitzhugh Ward.†

E. O'C. McInerney, city clerk; A. H. Willie, city attorney; B. M. Hobby, treasurer; John N. Stowe, assessor; F. R. Lubbock, collector; B. Loughrey, superintendent of streets; T. A. Washington, engineer; Leslie Thompson, recorder; John H. Westerlage, chief of police; Dr. Walter F. Blunt,‡ health physician; Dr. Clark Campbell, hospital physician; John Cotter, harbor master; William Green, D. McCluskey, W. F. Rogers, port wardens; C. T. McMahan, city sealer; N. Lidstone, lumber inspector; M. Cahill, city sexton.

1876.

R. L. FULTON, Mayor.

Aldermen:

Frank Marlow,	Andrew Munn,
George A. Hill,	Felix Halff,
C. M. Mason,	George Schneider,
William Boyd,	I. Dyer,§
P. H. Hennessy,	P. H. Carville,
C. B. Lee,	George B. Nichols.

E. O'C. MacInerney, city clerk; George Mason, city attorney; N. Weekes, treasurer; C. F. White, assessor; F. R. Lubbock, collector; B. Lougherty, superintendent of streets; T. A. Washington, city engineer; John H. Westerlage, recorder; Joseph Atkins, chief of police; Dr. W. F. Blunt, health physician; Dr. C. Campbell, hospital physician; C. Blakeman, harbor master; M. Cahill, city sexton; David McClusky, Wm. Green, W. F. Rogers, port wardens; M. A. Davy, chief engineer fire department; Joseph Gonzales, lumber inspector; Thomas Flourney, city sealer; B. M. Hobby, city auditor.

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* Elected November 16, 1875, vice J. P. Davie, resigned.

† Elected July 7, 1875, vice F. C. Mosebach, resigned.

‡ Elected October 4, 1875, vice George W. Peete, drowned September 16, 1875.

§ Resigned August 8, 1876.

1877.

D. C. STONE, Mayor.

Aldermen:

N. H. Ricker,	C. H. Moore,
Thomas Collins,	B. R. Davis,
F. D. Mitchell,	A. M. Campbell,
Julius Runge,	J. H. Hurt,
J. D. Skinner,	James Hickey,
J. Zeigler,	C. E. Richards.

P. S. Wren, city clerk; F. Charles Hume, city attorney; J. M. O. Menard, treasurer; J. W. Jockusch, assessor; F. R. Lubbock, collector; M. McDermott, overseer of streets; R. M. Tevis, recorder; J. A. Owen, chief of police; Dr. C. H. Wilkinson, health physician; Dr. C. Campbell, hospital physician; J. W. Breedlove, city engineer; C. Blakeman, harbor master; M. A. Davey, chief engineer fire department; E. McCormick, fire warden; B. M. Hobby, *city auditor; C. G. Clifford, city auditor; D. McCluskey, W. F. Rogers, A. Wakelee, port wardens; M. Cahill, city sexton; James Day, city sealer.

1878.

D. C. STONE, Mayor.

Aldermen:

Frank Marlow,	P. Barry,
Thomas Collins,	B. R. Davis,
F. D. Mitchell,	A. M. Campbell,
Julius Runge,	J. C. Franz,
J. Wegner,	James Hickey,†
J. Zeigler,	C. E. Richards.

P. S. Wren, city clerk; George P. Finlay, †city attorney; R. V. Davidson, §city attorney; F. Ilse, city auditor; R. J. John, treasurer; J. M. O. Menard, assessor; R. A. Burney, collector; P. D. Hickey, overseer of streets; M. L. Lynch, city engineer; R. T. Byrne, recorder; M. M. Jordan, chief of police; Dr. C. Campbell, health and hospital physician; J. H. Routan, harbor master; John H. Westerlage, chief engineer fire department; E. McCormick, fire warden; J. R. VanLiew, W. F. Rogers, A. Wakelee, port wardens; M. Cahill, city sexton.

* Resigned August, 1877. § To fill vacancy. † Resigned.

1879.

CHARLES H. LEONARD, Mayor.

Aldermen:

Frank Marlow,	P. Barry,
E. E. Crawford,§	B. R. Davis,
F. D. Mitchell,	Thomas Collins,
Julius Runge,	J. C. Franz,
D. G. Kelly,	T. H. Sweeney,
R. C. Jennett,†	J. Wegner,
C. E. Richards.	

P. S. Wren, city clerk; R. V. Davidson, city attorney; R. J. John, treasurer; George Sealy,|| treasurer; F. Ilse, city auditor; I. Holstein, assessor; R. A. Burney, collector; P. D. Hickney, overseer of streets; A. Hoxie, city engineer; Hugo Brosig, recorder; Joseph Atkins, chief of police; Dr. C. Campbell, health physician; J. H. Routan, harbor master; John H. Westerlage, chief engineer fire department; Peter Merry, fire warden; Ed. Burnes, A. Wakelee, E. R. Rivers, port wardens; M. Cahill, city sexton.

1880.

CHARLES H. LEONARD, Mayor.

Aldermen:

Frank Marlow,	John Wegner,
B. R. Davis,	T. H. Sweeney,
G. H. Mensing,	Frank D. Mitchell,
P. Barry,	D. G. Kelly,
A. V. Pichard,	E. E. Crawford,
C. M. Pearre,	C. E. Richards.

P. S. Wren,* city clerk; Alexander Easton, assistant city clerk;† F. Ilse, auditor‡ R. A. Burney, collector; I. Holstein, assessor; R. V. Davidson, city attorney; E. M. Hartrick, city engineer; Joseph Atkins, chief of police; A. M. Campbell, recorder; J. H. Routan, harbor master; George Sealy, treasurer; M. Cahill, city sexton; John Williams, overseer of streets; E. McCormick, fire warden; Thos. Peacock, W. F. Rogers, Gus Wakelee, port wardens.

§ Elected December 15, 1879, to fill vacancy. || Elected June, 1879.
* Resigned November, 1880. † Resigned.
‡ Resigned and elected clerk November 22, and Richard H. Tiernan elected auditor November 22, 1880, to fill vacancy.

1881.

L. C. FISHER, Mayor.

Aldermen:

Frank Marlow,	H. W. Jaeger,
I. Heffron,	G. H. Mensing,
T. H. Sweeney,	Pat Barry,
John A. Cotter,	A. V. Pichard,
E. E. Crawford,	C. M. Pearre,
Joe Levi,	John Wegner.

F. Ilse, city clerk; P. Walker, assistant city clerk; J. Liberman, assessor, resigned April 18, 1881, Thomas Gilbert elected to fill vacancy; F. H. McMahan, collector; George Sealy, treasurer; R. V. Davidson, attorney; A. M. Campbell, recorder; Joseph Atkins, chief of police; R. H. Tiernan, auditor; J. H. Routan, harbor master; W. F. Rogers, Thomas Peacock, A. Wakelee, port wardens; E. M. Hartrick, engineer; John Williams, overseer of streets; William Moffat, fire warden; M. Cahill, sexton.

1882.

L. C. FISHER, Mayor.

Aldermen:

Frank Marlow,	Ed. Ketchum,
I. Heffron,	E. E. Crawford,§
C. C. Allen,	C. M. Pearre,‡
T. H. Sweeney,	Joe Levi,
Pat Barry,	John Wegner,
John A. Cotter,	H. W. Yeager.

F. Ilse, clerk; Joseph F. Nash, assistant clerk; Thomas Gilbert, assessor; F. H. McMahan, collector; Joseph Atkins, chief of police; James B. Stubbs, city attorney; D. G. Kelly, recorder; E. M. Hartrick, engineer; George Sealy, treasurer; R. H. Tiernan, auditor;* J. H. Routan, harbor master; W. F. Rogers, Thomas Peacock, A. Wakelee, W. J. Smith, port wardens; M. Cahill, sexton; John Williams, overseer of streets; William Moffat, fire warden; T. Morgan, janitor.†

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* Resigned and J. W. Jockusch elected to fill vacancy.

† Died, and John Czeske elected to fill vacancy.

‡ Resigned October 2d, 1882, and Ed. Knowles elected October 16th, 1882, to fill the vacancy.

§ Resigned May 3d, 1882, and W. H. Nichols elected June 5th, 1883, to fill the vacancy.

1883.

R. L. FULTON, Mayor.

Aldermen:

Frank Marlow,	Ed. Ketchum,
I. Heffron,	T. A. Washington,
C. C. Allen,	Ed. Knowles,
Louis Falkinthal,	Joe Levy,
Pat Barry,	John Wegner,
John A. Cotter,*	N. W. Cuney.

C. T. McMahan, city clerk, resigned August, 1883, and D. J. Buckley appointed August 1, 1883; J. T. Owen, assistant clerk; Gus McKernon, chief of police;† James B. Stubbs, city attorney; L. C. Fisher, collector; J. S. Vedder, assessor; Sidney T. Fountaine, recorder; E. M. Hartrick, engineer; L. Eldridge, overseer of streets; Dr. Wm. Penny, health inspector; Thomas Chubb, harbor master; J. R. Van Liew, Thomas Peacock, W. J. Smith, J. Cohn, port wardens; John F. Behrman, auditor, resigned September 4, and F. T. L'Estrange was elected September 8, 1883, to fill the vacancy; Wm. Oldenburg, fire warden; Wm. Moffat, chief engineer fire department; M. Cahill, city sexton.

* Resigned April 16, 1883, and Frank D. Mitchell elected June 13, 1883, to fill vacancy.

† Resigned April 23, 1883, and M. M. Jordan appointed to fill vacancy.

1884-5.

R. L. FULTON, Mayor.

Aldermen:

N. W. Cuney,	F. D. Mitchell,
D. Fahey,	A. J. Musgrove,
L. Falkenthal,	J. D. Sherwood,
I. Heffron,	A. D. Smith,
John Grothgar,	J. H. Washington,
J. Levy,	John Wegner.

D. J. Buckley, city clerk; J. T. Owen, assistant clerk; M. M. Jordan, chief of police; James B. Stubbs, city attorney; L. C. Fisher, collector;‡ J. S. Vedder, assessor; S. T. Fontaine, recorder; E. M. Hartrick, city engineer; L. Eldridge, overseer of streets; Dr. Wm. Penny, health physician; Thos. Chubb, harbor master; J. R. Van Liew, Thomas Peacock, W. J. Smith, J. Cohn, port wardens; F. T. D'Estrange, auditor; Wm. Oldenburg, fire warden;§ Wm. Moffat, chief engineer fire department;|| M. Cahill, city sexton; Julius Runge, city treasurer; T. D. Gilbert, assistant collector.

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‡ Resigned January 5, 1885, John A. McCormick elected to fill vacancy.
§ Resigned February 2, 1885, J. F. Burk elected to fill vacancy.
|| Wm. Oldenburg elected chief engineer fire department in January, 1885.

1885-6.

R. L. FULTON, Mayor.*

Aldermen:

J. M. O. Menard,	E. A. Smith,†
H. Rosenberg,	Dr. J. L. Large,
Albert Weis,	Jas. D. Sherwood,
J. G. Goldthwaite,	Geo. Schneider, Sr.,
Chas. Fowler, Sr.,	James McDonald,
C. B. Lee,	N. W. Cuney.‡

D. J. Buckley, city clerk;§ G. B. Settle, assistant clerk; F. T. L'Estrange, auditor; J. S. Vedder, assessor; Jno. A. McCormick, collector; H. F. Christian, assistant collector; Julius Runge, treasurer; Geo. P. Finlay, attorney; Thos. Chubb, harbor master; H. T. Wilson, engineer; M. M. Jordan, chief of police;|| S. T. Fontaine, recorder; J. W. Jockusch, purchasing agent; Thos. S. Kendall, fire warden;¶ M. R. Brown, health physician;† Samuel Gallway, city sexton; F. Boddeker, janitor and messenger; T. C. Armstrong, C. W. Preston and Chas. Vidor, board of appraisement; W. P. Manning, W. B. Hutchings and A. B. Everett, port wardens; Wm. Oldenburg, chief engineer fire department; H. L. Matthews, assistant engineer fire department.

* Election April 6, 1885, J. Atkins was elected mayor. New election ordered for May 11, 1885, and R. L. Fulton elected mayor.

† Resigned December 7, 1885, and W. J. Hughes elected to fill vacancy.

‡ C. J. Allen declared elected 1885; N. W. Cuney declared elected April 29, 1885.

§ J. W. Kelley appointed city clerk May 5, 1885, D. J. Buckley re-appointed May 21, 1885.

|| Gus McKernon appointed chief of police April 16, 1885, M. M. Jordan re-appointed May 21, 1885.

¶ Office abolished by ordinance approved September 23, 1885.

† Resigned October 19, 1885, H. P. Cooke elected November 16, 1885, to fill vacancy.

1886-7.

R. L. FULTON, Mayor.

Aldermen:

J. M. O. Menard,	W. J. Hughes,
H. Rosenberg,	D. J. L. Large,
Alb. Weis,	J. D. Sherwood,
J. G. Goldthwaite,	Geo. Schneider, Sr.,
Chas. Fowler, Sr.,	Jas. McDonald,
C. B. Lee,	N. W. Cuney.

D. J. Buckley, city clerk; G. B. Settle, assistant clerk; F. T. L'Estrange, auditor;† J. S. Vedder, assessor; John A. McCormick, collector; H. F. Christian, assistant collector; Julius Runge, treasurer; Geo. P. Finlay, city attorney; Thos. Chubb, harbor master; H. T. Wilson, engineer; M. M. Jordan, chief of police; S. T. Fontaine, recorder; J. W. Jockusch, purchasing agent; H. P. Cooke, health physician; Samuel Gallway, city sexton;‡ F. Boddeker, janitor and messenger; E. Ketchum, H. Bautsch and C. E. Richards, board of appraisement; W. P. Manning, W. B. Hutchings and A. B. Everett, port wardens; Wm. Oldenburg, chief engineer fire department; H. L. Matthews, assistant engineer fire department.

† Resigned May 3, 1886; Wm. Selkirk elected May 17, 1886, to fill vacancy.
‡ Died; and John Schwab elected May 17, 1886, to fill vacancy.

1887-8.

R. L. FULTON, Mayor.

Aldermen:

E. H. Fordtran,	A. Heiman,
J. Reymershoffer,	C. M. Hausinger,
W. S. Griffin,	M. Ullmann,
R. W. Shaw,	C. M. Mason,
Charles Fowler, Sr.,	James McDonald,
C. B. Lee,	C. J. Allen.

D. J. Buckley, city clerk; B. P. Knoll, assistant clerk; Wm. Selkirk, auditor; J. S. Vedder, assessor; John A. McCormick, collector; John T. Owen, assistant collector; Julius Runge, treasurer; Geo. P. Finlay, city attorney; Thos. Chubb, harbor master; H. T. Wilson, engineer; M. M. Jordan, chief of police; S. T. Fontaine, recorder; J. W. Jockusch, purchasing agent; H. P. Cooke, health physician; J. W. Shimmins, city sexton; F. Boddeker, janitor and messenger; E. Ketchum, H. Bautsch and I. Lovenberg, board of appraisement; W. P. Manning, W. B. Hutchings and A. B. Everett, port wardens; Wm. Oldenburg, chief engineer fire department; Miles Crowley, assistant engineer fire department; Albert Weis, J. M. Brown, W. F. Beers, J. A. Cotter and N. W. Cuney, board of commissioners of waterworks; Daniel J. Buckley, secretary pro tem.

1888-9.

R. L. FULTON, Mayor.

Aldermen:

E. H. Fordtran,	A. Heiman,
R. Reymershoffer,	C. M. Hausinger,
W. S. Griffin,	M. Ullmann,
R. W. Shaw,	C. M. Mason.
Chas. Fowler, Sr.	Jas. McDonald,
C. B. Lee,	C. J. Allen.

D. J. Buckley, city clerk; B. P. Knoll, assistant clerk; Wm. Selkirk, auditor; J. S. Vedder, assessor; John A. McCormick, collector; John T. Owen, assistant collector; Julius Runge, treasurer; Geo. P. Finlay, city attorney; Thos. Chubb, harbor master; H. T. Wilson, engineer; M. M. Jordan, chief of police; J. W. Jockusch, purchasing agent; H. P. P. Cooke, health physician; Jno. W. Shimmins, city sexton; F. Boddeker, janitor and messenger; E. Ketchum, H. Bautsch and I. Lovenberg, board of appraisement; W. P. Manning, W. B. Hutchings and A. B. Everett, port wardens; Wm. Oldenburg, chief engineer fire department; Miles Crowley, assistant engineer fire department; Alb. Weis, J. M. Brown, W. F. Beers, N. W. Cuney and Wm. Crooks, board of commissioners of waterworks; Jno. A. Cotter, superintendent; Daniel J. Buckley, secretary pro tem.

1889-90.

R. L. FULTON, Mayor.

Aldermen:

Chas. Clarke,	T. W. Jackson,
J. Reymershoffer,	C. M. Hausinger,
W. S. Griffin,	M. Ullmann,
R. W. Shaw,	C. M. Mason,
Chas. Fowler, Sr.,	John Wegner,
C. B. Lee,	C. J. Allen.

D. J. Buckley, city clerk; E. O. McInerney, collector; J. D. Sherwood, assessor; Julius Runge, treasurer; Thos. Chubb, harbor master; Wm. Selkirk, auditor; H. T. Wilson, city engineer; H. P. Cooke, health physician; J. W. Jockusch, purchasing agent; A. R. G. Edwards, sexton; F. W. Chase, W. P. Manning, A. B. Everett, port wardens; Wm. Oldenburg, chief fire department; Miles Crowley, assistant chief fire department; Samuel W. Jones, city attorney; Jerry Lorden, chief of police.

1890-91.

R. L. FULTON, Mayor.

Aldermen:

Chas. Clarke,	T. W. Jackson,
J. Reymershoffer,	Pierce Levine,*
W. S. Griffin,	M. Ullmann,
R. W. Shaw,	C. M. Mason,
Chas. Fowler, Sr.,	John Wegner,
C. B. Lee,	C. J. Allen.

* Elected to fill vacancy of C. M Hausing, deceased.
City officers were same as for preceding year.

1891-92.

R. L. FULTON, Mayor.

Aldermen:

1st ward—Wm. Andrews.
2d ward—T. J. Gallagher.
3rd ward—Thos. Goggan.
4th ward—J. H. Bolton.
5th ward—P. Walsh.
6th ward—Thos. H. Nolan.
7th ward—P. N. Harris.
8th ward—P. Levine.
9th ward—L. Schmidt.
10th ward—B. Levy.
11th ward—John Wegner.
12th ward—C. J. Allen.

Aldermen at Large:

J. Reymershoffer,
Chas. Fowler,
C. F. Kaiser,
Jos. E. Mason.

D. J. Buckley, city clerk; W. R. Fulton, assistant clerk; R. H. Tiernan, auditor; J. D. Sherwood, assessor; E. O. C. McInerney, collector; E. McCarthy, treasurer; H. W. Rhodes, city attorney; Jas. McDonald, harbor master; H. T. Wilson, city engineer; M. M. Jordan, chief of police; J. Medley, deputy chief of police; F. W. Fickett, recorder; J. W. Jockusch, purchasing agent; C. Campbell, health physician; Jas. Daley, sexton; M. W. Shaw, H. Bautsch, H. Devlin, board of appraisement; F. W. Chase, W. P. Manning, A. B. Everett, port wardens; E. Wegner, chief engineer of fire department; J. Gernaud, assistant engineer; A. S. Newson, Geo. Schneider, Jr., Wm. Reppen, R. Hayes, J. C. Smith, board of commissioners waterworks; Thos. Doyle, D. Freeman, Chas. Vidor, T. C. Thompson, H. T. Wilson, board of commissioners of public works; Wm. Oldenburg, superintendent waterworks; D. J. Buckley, secretary water commissioners; Geo. Sealy, Ben Levy, J. Reymershoffer, T. C. Thompson, C. Campbell, John Sealy hospital board.

1892-93.

R. L. FULTON, Mayor.

Aldermen:

1st ward—A. H. Boysen.*	7th ward—P. N. Harris.
2d ward—T. J. Gallagher.	8th ward—P. Devine.
3d ward—Thos. Goggan.	9th ward—L. Schmidt.
4th ward—J. H. Bolton.	10th ward—B. Levy.
5th ward—P. Walsh.	11th ward—John Wegner.
6th ward—Hy. Jacques.†	12th ward—P. Schreiber.‡

Aldermen at Large.

J. Reymershoffer,	C. F. Kaiser,
C. Fowler,	Jos. E. Mason.

City officers same as 1891-92, except T. D. Gilbert, collector, elected in place of E. O'C. McInerney, deceased; and Leon Blum, A. W. Fly and R. V. Davidson, elected as members of board of commissioners of public works, in place of C. Vidor, D. Freeman and T. C. Thompson, resigned.

1893-94.

A. W. FLY, Mayor.

Aldermen:

1st ward—A. H. Boysen.	7th ward—T. W. Jackson.
2d ward—Thos. Gallagher.	8th ward—C. J. Williams.
3d ward—Wm. Reppen.	9th ward—Jas. Spillane.
4th ward—R. Webber.	10th ward—Ben Levy.
5th ward—Freese Baudenon.	11th ward—John Wegner.
6th ward—Hy. Jacques.	12th ward—P. Schreiber.

Aldermen at Large.

Paul Gruetzmacher,	D. B. Henderson,
P. S. Wren,	P. N. Harris.

Ed. Marrast, city clerk; T. J. Ballinger, city attorney; E. McCarthy, treasurer; R. C. Jennett, assessor; T. D. Gilbert,

* Elected in place of Wm. Andrews deceased.
† Elected in place of T. H. Nolan, resigned.
‡ Elected in place of C. J. Allen, resigned.

collector; W. L. Hallonquest, city engineer; Marsene Johnson, recorder; Jerry Lordan, chief of police; H. Boyd, deputy chief of police; W. C. Fisher, health physician; J. P. Hendrick, superintendent Sealy hospital; Jas. McDonald, harbor master; Matt. Coffey, A. C. Chester, A. D. Smith, port wardens; Jas. Daley, city sexton.

1895.

A. W. FLY, Mayor.

Aldermen:

1st ward—C. H. Hughes.	7th ward—Jno. A. Harrington.
2d ward—Gus Reymershoffer.	8th ward—Frank Jones.
3d ward—W. C. Ogilvy.	9th ward—A. Ferrier.
4th ward—Robt. Webber.	10th ward—J. C. Borden.
5th ward—L. F. Cleary.	11th ward—J. D. Skinner.
6th ward—A. P. Norman.	12th ward—H. A. West.

Thos. J. Ballinger, city attorney, resigned November 18th, 1895; R. Waverley Smith elected November 18th, 1895; Theo. K. Thompson, auditor; Ira E. Collins, collector; R. C. Jennett, assessor; John E. Chubb, harbor master; John Dwyer, sexton; B. M. Temple, city engineer; Dr. W. C. Fisher, health physician; Ed. McCarthy, treasurer; Jas. Spillane, purchasing agent; E. K. Marrast, city clerk, resigned July 15th, 1895; G. Bowden Settle, city clerk, elected July 15th, 1895; Marsene Johnson, recorder. Commissioners of Public Works—Leon Blum, John N. Stowe, L. A. Grelling, Joe Levy. Board of Appraisers—Henry Bautsch, Jas. S. Montgomery, John W. Riddell. Directors of Galveston Wharf Co.—C. H. Hughes, W. C. Ogilvy. Fire Commissioners—Gustav Reymershoffer, Frank Jones, J. D. Skinner, John A. Harrington.

1897.

A. W. FLY, Mayor.

Aldermen:

1st ward—C. H. Hughes.	7th ward—J. B. Aguilo.
2d ward—W. F. Stewart.	8th ward—Frank Jones.
3d ward—Thomas Goggan.	9th ward—C. Van Sickle.
4th ward—Pat Barry.	10th ward—J. C. Borden.
5th ward—J. B. Baudenon.	11th ward—J. D. Skinner.
6th ward—D. S. Davidson.	12th ward—H. A. West.

R. Waverley Smith, city attorney; Theo. K. Thompson, auditor; Ira E. Collins, collector; C. W. Preston, assessor; John E. Chubb, harbor master; Dr. W. C. Fisher, health physician; James Daley, sexton; R. H. Peek, city engineer; A. Ferrier, comptroller; Ed. McCarthy, treasurer; G. Bowden Settle, city clerk; M. C. McLemore, recorder. Board of Public Works—Leon Blum, L. A. Grelling, Joe Levy, J. N. Stowe. Water Commissioners—H. C. Lange, C. B. Lee, C. H. Moore, J. C. Borden, C. H. Hughes, W. F. Stewart. Directors Galveston Wharf Co.—C. H. Hughes, J. D. Skinner. Fire Commissioners—C. H. Hughes, Thomas Goggan, J. B. Aguilo, J. C. Borden.

1899.

WALTER C. JONES, Mayor.

Aldermen:

1st ward—C. H. Hughes.	7th ward—David Wilson.
2d ward—W. F. Stewart.	8th ward—A. Bornefeld.
3d ward—Robt. Webber.	9th ward—F. M. Gilbough.
4th ward—Pat Barry	10th ward—Ben Levy.
5th ward—C. H. McMaster.	11th ward—John Wegner.
6th ward—George Stenzel.	12th ward—Peter Schreiber.

R. Waverley Smith, city attorney, resigned August 9th, 1899; Jas. B. Stubbs, city attorney, elected September 5th, 1899; Theo. K. Thompson, auditor; Ira E. Collins, collector; C. W. Preston, assessor; Thomas H. Sweeney, harbor master; Dr. C. H. Wilkinson, health physician; James Daley, sexton; R. H. Peek, city engineer; Henry Ollie, comptroller; I. H. Kempner, treasurer; Geo. Q. McCracken, city clerk; Noah Allen, recorder. Water Commissioners—H. C. Lange, F. Cannon. Board of Public Works—Joseph Levy, Jno. N. Stowe, Jens Moller, John Reymershoffer. Fire Commissioners—W. F. Stewart, Robt. Webber, David Wilson, F. M. Gilbough.

1901-1902.

BOARD OF COMMISSIONERS.

WILLIAM T. AUSTIN, President.

Elected Commissioner September 10th, 1901; qualified September 16th, 1901; resigned September 16th, 1901; appointed President September 16th, 1901; qualified September 18th, 1901.

I. H. Kempner, Commissioner, appointed September 16th, 1901; designated Commissioner of Finance and Revenue, September 18th, 1901.

H. C. Lange, Commissioner, appointed September 16th, 1901; designated Water Works and Sewerage Commissioner, September 18th, 1901.

A. P. Norman, Commissioner, elected September 10th, 1901; designated Police and Fire Commissioner, September 18th, 1901.

V. E. Austin, Commissioner, appointed September 16th, 1901; designated Commissioner of Streets and Public Improvements, September 18th, 1901.

OFFICERS.

Charles F. J. Artz, secretary, appointed September 18th, 1901; J. Z. H. Scott, attorney, appointed September 24th, 1901; T. J. Groce, treasurer, appointed September 24th, 1901; A. Ferrier, auditor, appointed September 24th, 1901; Alex Easton, assessor and collector of taxes, appointed September 24th, 1901; C. W. Trueheart, health physician, appointed October 15th, 1901; M. H. Royston, recorder, appointed September 24th, 1901; C. A. Sias, engineer, appointed October 1st, 1901; A. S. Drewry, superintendent water works, appointed September 24th, 1901; John T. Rowan, chief of police, appointed September 24th, 1901; J. H. Gernand, chief fire department, appointed September 24th, 1901; T. H. Sweeny, harbor master, appointed September 24th, 1901; James Daley, sexton, appointed September 24th, 1901; Ben Dolson, Sr., T. L. Cross, J. H. Benson, port wardens, appointed September 24th, 1901.

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